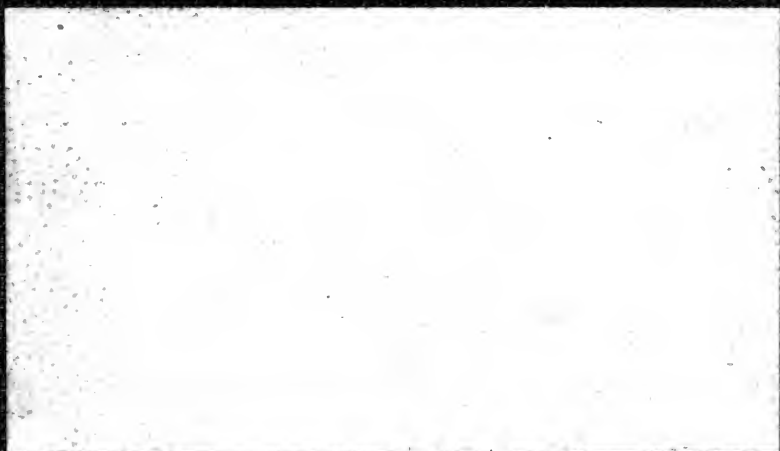


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A STUDY  
IN THE  
LANGUAGE OF SCOTTISH PROSE  
BEFORE 1600.

A DISSERTATION.

PRESENTED TO THE BOARD OF UNIVERSITY STUDIES OF  
THE JOHNS HOPKINS UNIVERSITY FOR THE  
DEGREE OF DOCTOR OF PHILOSOPHY.

BY

WILLIAM PETERS REEVES.



BALTIMORE:  
JOHN MURPHY & CO.  
1893.



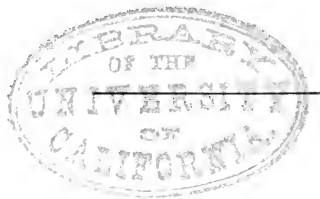
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that the volume was not only soon superseded, but that it was suppressed.<sup>1</sup>

The first authoritative edition of the 'Acts' was edited by Thomas Thomson,<sup>2</sup> Curator of the General Register House. This formed Vol. II, comprising the years 1424–1567. Volume I, re-edited and with a preface by Cosmo Innes, was printed by command of Queen Victoria in 1844, and embraced the years 1124–1423. The Preface to Vol. I contains valuable information regarding the Records, for which he fixed the beginnings as follows: "There is probably no Scotch writing extant, whether of Charter, Record or Chronicle, so old as the reign of Malcolm Canmore, who died in the year 1093 (The Charter of Duncan at Durham is not free from suspicion. The

<sup>1</sup> The 'Observations' deserve to be quoted, in part.

"With modern print to intermix the abbreviations of ancient manuscripts, appears unseemly and incongruous. To print in that manner, while it conveys no distinct idea of the character or mode of writing employed in the original, unavoidably creates additional and unnecessary difficulties to readers not conversant in the language of remote times, who will often be sufficiently puzzled without such artificial obscurity. The words therefore in this and the following volumes of the Records . . . will be found printed at full length; the contracted syllables in the Record being spelt like the same syllables when fully written out in the passages nearest to those in which they are found contracted. . . . It may be remarked that the engrossers of the more early Parliamentary Records of Scotland, like their contemporaries in the other nations of Europe, are, when writing their vernacular language, far from being uniform in their orthography. The same word is often spelt differently in the same page, sometimes even in the same line . . . they are extremely sparing in the use of points and by no means correct in placing the few they employ . . . the letters c and t are in most words written so exactly alike that the acutest eye cannot distinguish the one from the other. . . . And finally, like the transcribers of all ages and nations, they frequently commit blunders. . . . THE Editor, thinking it his duty to give a faithful copy of the Records of the Parliament of Scotland, will neither alter nor supply, nor suppress a single letter. Where the blunder is obvious, every reader can correct it for himself; where there is any degree of obscurity it seems better that the reader should in the correction exercise his own private judgment, than submit to the conjectures of any Editor whatever." "W. R."

This volume was thus described by the editor of the standard edition of the Acts. "See in 1804, an untrustworthy book published by his Majesty's Printer in Scotland, 'The Parliamentary Records of Scotland in the General Register House, Edinburgh,' and which professed to give those records from the year 1240 to 1571. Suppressed by Royal Commission." Innes, *Introd. to Vol. I, Acts Sc. Par.*

<sup>2</sup> C. Innes, *Scotch Legal Antiquities*, pp. 11–12.



earliest undoubted writings of Scotland are the Charters of Edgar, which are also preserved among the Coldingham Charters of Durham).” Although Wyntoun had mentioned the Parliament of 1286, Innes thought that the “Parliament assembled by John Balliol at Scone on the 9th day of February, 1292, was probably the first of the national councils of Scotland which bore that name in the country at the time, although later historians have bestowed it freely on all assemblies of a legislative character.” We know certainly that “Balliol’s treaty with France was confirmed at Dumferline, 23 February, 1295.”<sup>1</sup>

On the Records themselves, Innes says : “The loss or destruction of the far greater part of the original public documents of Scotland is a fact as to which unhappily there can be no doubt, and which has been often the subject of just and deep lamentation. That the whole of the Public Records and National Muniments preserved in the Royal Archives of Scotland at the death of King Alexander III were swept away by the hostile policy of Edward I we know from authentic evidence. Of the intentional destruction of any of them there is certainly no evidence ; and from the few which yet remain in the Chapter House at Westminster [1844], it seems more probable that the rest have perished by neglect and the gradual ravages of time. That any of them were restored to Scotland, after the expulsion of Balliol, seems improbable ; and the only reason for doubt on this head is to be found in the Treaty of Peace concluded between the kingdoms in 1328, commonly called the Treaty of Northampton. It was one of the articles of that Treaty ‘That all writings, obligations, instruments and other muniments touching the subjection of the people and country of Scotland to the King of England, together with all other instruments and privileges touching the freedom of Scotland which might be discovered, should be given up and restored to the King of Scots as soon as they could be found, according to a special Indenture or Inventory thereof.’ These formed, perhaps, the most interesting class of the National Records, yet they certainly were but a small part of what Edward I had taken possession of ; and, if the other classes of Records were still in the hands of the English, it seems strange and unaccountable that their restoration

<sup>1</sup>Innes, *Introd. Acts*, V ; also ‘*Origines Parliamentariæ*.’ *Scotch Leg. Antiq.*, pp. 98–106, 119.

should not likewise have been made a condition of the Treaty. Certain it is that none of the Records carried away by Edward I are now to be found in Scotland." Acts, Vol. I, p. 18.

It may be convenient, in accounting for this loss, to refer to the old story that several hogsheads of Records were lost at sea, while being returned to Scotland. Other Records which were in the Tower early in this century were afterwards sent to the Public Record Office, where some search failed to discover anything of importance. The inference is that at this time they are in the General Register House, Edinburgh.<sup>1</sup>

Whatever were the origin of the early laws, it is learned that they had some resemblance to a Code in the year 1425, for on the 11th of March at Perth, the following Act of Parliament was passed. "Item it is sene spedfull and ordanit be þe king & the parliament þat sex wise & discrete men of ilk ane of the thre estatis þe quhilkis knawis þe lawis best salbe chosyn quha sen fraude & gyll aw to keep no man false & examyn þe bukis of law þat is to say regiam maiestatem & quoniam attachiamenta & mend þe lawis at nedis mendment ande ordane als at all lauchfull exceptiounis of law be admittit in jugement & all freuolus & fraudfull exceptiounis be repellit & nocht admittit be no Juge swa þat þe causis letigiouss & pleyis be nocht wrangwisly prolongyt in scaith & preiudice of þe party & in fraude of the law." Reg. Sc. Par., p. 61, col. 2.<sup>2</sup>

The question of printing the Records arose in due time. In the year 1469 (James III, Nov. 20th) an act had been passed, aiming at the better preservation of the Records; "That þe kingis rollis and regesteris be put in bukkis 'Item it is thocht expedient þat þe kingis rollis and regesteris be put in bukis ande haif sik strenthe as þe rollis had befor.'" Rec. Sc. Par., p. 52, col. I. In the succeeding reign of James IV the important plan was conceived for giving publicity not only to the Laws

<sup>1</sup> A short description of those documents which were in the Gen'l Reg. House, available in 1796, will be found in the appendix No. XXIII to Pinkerton's History of Scotland, Vol. I.

<sup>2</sup> It will be seen that in spite of the suppression of this volume of the 'Records' I have made extensive use of it. The copy, which contains Thomas Thomson's markings for his new edition, is in my possession; and judging by the few corrections and by the consistency with which he has evidently compared this copy with the originals, I have no hesitancy in quoting from the contents.

of the kingdom, but also to the Historical monuments and Ecclesiastical Rituals. "In the year 1507 the art of Printing was introduced into Scotland by Royal sanction, avowedly for the purpose of 'emprenting within our Realme the Bukis of the Lawis, actis of Parliament, croniclis, mess bukis,' &c., and exclusive privileges were conferred upon the first printers for encouragement and support in the execution of these national works. This was not however sufficient for the publication of the Acts of Parliament, and it was not until 1541 that any part of the Scotch Statue Book appeared in print. A selection from the Acts of several Parliaments of James V was then published by legislative authority; and at the distance of twenty-four years this was followed in 1565 by the publication of the Acts of a Parliament of Queen Mary." Innes, *Introd. Acts*, p. 22, and *v. Annals Scottish Printing*, pp. 109-118. The confusing number of editions which appeared after this last date, under the various titles of 'Regiam Majestatem,' 'Quoniam Attachiamenta,' 'The Acts and the Old Laws,' &c., may be well left unconsidered.

The Manuscripts from which Thomson and Innes made their editions, were carefully described in their Introductions. Many of course are in the Latin, and it may be well to give a list of those containing vernacular versions. The MSS. referred to here have the same roman numbering which was used by T. and I.

No. IV. The so-called 'Bute' MS. Marquis of Bute, proprietor, written probably in the latter half of the 14th Cen. Cap. 13, two Scotch chapters: 'Chalyng of transgressioun and þe fourme to mak clepe and call upon brekyng of proteccyon,' fol. 141. Cap. 19, Burgh Laws, fol. 153-163. Cap. 22, The 'Assise of Brede,' etc., fol. 167-170. a) 'of Custum,' fol. 170-171. b) 'of Law and the Custume of Schippis,' fol. 171-174. c) 'of wecht in flandrys and reknyns be the price of the mone,' fol. 175.

No. VII. Edinburgh University MS., not long after 1389, or early 15th Cen.; Latin except a miscellaneous collection of styles and forms of process in Scotch and Latin, fol. 102-111.

No. IX. Advocates' Library MS., W, 4, ult., "nearly all in Scotch, and is written in an unique hand, to within a few leaves of the end." Undated.

No. X. The Harleian MS., 4700. Early 15th Cen. Cap. 4, 2 leaves in Scotch, 'the maneir of Batall within lists.' Cap. 14, 'The poyntis belangand to the Warden Courts.' Cap. 16, Lawis and Custumis of the Schippis, 8 leaves. Cap. 15, Miscellany: Latin and Scotch. Cap. 28, one leaf in Scotch, 'on lafulnes of tailzies': also cap's 31, 32 (3 leaves), 34 (17 leaves).

No. XII. Cambridge MS., Public Library, Cambridge E, 4, 21, Late 15th Cen., uniform hand. Cap. 18, 14 leaves Cap. 19, lawis and Custumis of Schippis (33 chapters).

No. XIII. The Cockburn MS. Advocates' Library, W, 4, 28, or W, 4, penult. Cap. 4, 2 parts by different scribes; late 15th Cen. Cap. 10, statuta Regis Dav. primi, in Scotch; 20 titles. Cap. 11, fol. 90-92. Cap. 12, fol. 93-99. Cap. 16, fol. 1-20 of second part; Borowe Laws, fol. 20-24, 28-38, 38-40.

No. XIV. Advocates' Library MS., A, I, 32; late 15th Cen., all Scotch.

No. XV. The Monynet MS., Adv. Libr., A, 1, 28, written by James Monynet, 1488. Cap. 19, þe poyntis belangande to þe wardane courte, fol. 203. Cap. 21, Law and Custumis of the Schippis, fol. 205-216. Cap. 24, On Tailzie, fol. 319; also fols. 342-353, 365-371, 371-373, 375-378, 400.

No. XVI. Colvil MS., 'now [1844] owned by Mr. J. A. Maconochie; v. Bibliography, 'Regiam Majestatem.' Cap. 15, 'The gret lawis maid thro King Davyd; 20 chapters. Cap. 16, Lawis of King William; 11 titles. Cap. 17, Lawis of King Alexander.

No. XVII. Cambridge MS., K, I, 5. Public Library Camb., 4° thick; tracts and MSS. Part 3rd, Scotch laws, 'written in a careless hand; late 15th or beginning of the 16th Cen.'

No. XVIII. John Bannatyne MS. Adv. Libr., A, 7, 25, written by John Bannatyne, 1520. Cap. 3, 'Maner of battale within lists; 11 titles. Cap. 17, 7 oaths. Cap. 20, 'laws and custumis of schippis.' Cap. 22, On Taillie (Scotch and Latin).

No. XIX. Lambeth MS., Lambeth Palace Library, No. 167; early 16th Cen. Cap. 17, The process of the again calling of a dome; fols. 178-189, 190-2, 192-208.

No. XXI. Thomas Bannatyne MS., Adv. Libr., Jac. V, 6, 13 (old numbering); latter half 16th Cen. Cap. 15, 'How the batall within listis salbe gouernit; 10 titles in Scotch.

Cap. 18, 'Acts of the Parliament holdin at Edinburgh the thrid day of December.'

No. XXII. Malcolm MS., Adv. Libr., A, 3, 22 fol. ; late 16th Cen. ; a large part in Scotch. The rest of the twenty-five MSS. noted by T. and I. are in Latin.

The following extracts from the two first volumes of the Acts were selected to show the character of the language ; regard has therefore been had for variety in vocabulary and grammatical forms. The nature of the material would of itself suggest much repetition and a general neglect of literary quality.

## I.

### ACTS OF THE SCOTCH PARLIAMENT (v. Scottish Record Pub. in Bibliography).

Heir begynnys the lawys of the King David

I. of hym þat eschapis of þe gallowys

Gif ony mysdoar thruch dome be hingit and eftirwart he eschapis of þe gallowis he sal be quyt as of þat deid fra thin furth And þai þat hingit hym sal mak fine wyth þe kyng saufand þaim lyf and memberis and disherisone for quhi that trespas is mekil and oure mesur.

II. of ony appelyt of thyft (de apelato de furto)

Gif ony appellis ony man in þe kyngis court or in ony oþir court of thyft it sal be in þe likyng of hym at beis appelyt quheþir he wil bataile or to tak purgacioun of XII leil men with elengyng of a hyrdman.

III. of herberyng of strange men (de advenis hospitandis)

It is lefful to na man to herbery na strangear langar þan a nycht na hald hym in his house wythoutin borch and gif ony forsuth bydis in a toun oure a nycht he sal be brocht befor þe justice or þe schireff and be at þar wil.

IV. How jugment sal be geyffin.

þe kyng hes statut þat na justice schireff alderman na bailze of ony baroun sal sit at jugement to be done apone þe folowyng or þe ansuer befor þaim to be maid bot quhen sic cumis to jugement he sal pas furth of þe court þarapone and þan þe iustice schireff or

bailze agane callit þe iugement be þe soytoris maid sal geyffin furth.

V. How þat a peir aw to be jugit allanerly be his peir (quod par per parem iudicabitur)

þe kyng hes statut also þat na man aw to thol iugement fra a less persoun þan fra his peir þat is to say an erl be erlis baroun be barounis vavassour be vavassour burges be burges bot a les persoun may be jugit be a mar persoun and nocht a mar be a les persoun.

VIII. of challange thurch quhilk bataile may be raysit (de appellacione unde duellum possit oriri)

Gif ony man appellis anopir of thyft or of reff or of ony trespas thurch þe quhilk bataile may ryse sayand in his folowyng þat þe deffendour hes done hym sic schame to þe valor of xx merkis wyth þe scath that he hes tane þe party deffendour quhen he cumis to bataile sal not put his weddis for þe price of þe schame of þe folowar bot allanerly he sal put his weddis eftir the assyse of þe kynrik to þe valor of þe scath þat þe folowar sais hym til haf tane And it is to wyt þat in þe folowyng of reff or of byrnyng þe party deffendour aw nocht to put his weddis bot allanerly for sua mekil als ony man sais him seathit In þe folowyng of thyft þe scath of þe folowar aw to be somyt thrynfalde sa þat þe body of þe deffendour aw to doubillit þe quhilk mone þe party askand aw til haf wyth him gif þe party deffendour be slayn and his body sal remane in þe place for þe thridpart of þe mone

X. of þe schireffis and þar seriandis (de vice comitibus et eorum servientibus)

Na schireff or þe seriand of þe schireff sal entermet þaim of ony thing pertenand to þe kyngis proffyt utouth þar schirefdome of somondis or of attachmentis aw to suer in the plane schirefdome þat þai sal leilly serve þe kyng in þar awin schirefdome and þat þe men duelland wythin þe schirefdome wranguisly þai sal not vex.

XI. of þaim þat ar appelyt be þe kyng of felony (de appel. regis de feloniam)

Gif it hapnis þe kyng til appel ony man of felony or of lyf or of membris he sal clenge him anent þe kyng be þe athis of [xxiiii] leil men of þat schirefdome quhar it is said þat trespas to be maid And gif forsuth be þe athis of þaim þai acquyt him he sal be quyt or ellis þar sal pas of him rycht jugement gif he be nocht maid quyt And gif þe kyng folowys ony man of ony opir iniure he sal clenge

hym anent þe kyng be þe athis of xxiiii leil men or ellis he sal satisfie þe kyng eftir his folowyng

XVI. of selling of theyffis and of yaim yat eschapis

þe Kyng David hes ordanyt þat na man sell a theyff of thyft pruffyt for na mone na for na frenschip na for na maner of meyd And gif an erl dois it or ony opir þat hes þe fredome and custum of an erl he sal pay to þe king for amercyment xxxiiii ky And gif ony brekis þis lawe agayn he sal pay 1<sup>e</sup> ky to þe kyng And þe theyff sal be outlawyt thruch all þe kyngis land and gif he may be eftirwartis gottyn þe lawe sal be done apon hym farthwyth eftir þe maner of sic trespas And gif he be put in boys or in fetteris and aventur fall þat he eschapis out of þat ilk ward þe lord of þat prisoun þe theyff eschapis out sal acquit hym anent þe kyng with xxvii leil men and thre thanys þat he nocht wyst of þe passing out of þat theyff na consent þarto gayff na consal And sa sal þe lord gang quyt at þat tym.

XXXII. of þaim convykit of mansuorn (periurio)

Quhasa evir is enchessonyt of fals wytnes beryng in þe contrare of ony sakles man for lufrent or hatrent and hes suorn apon þe haly evangel or apon þe haly cystre or opir notabill halydum he sal be put out fra al confort and company of cristyn men quhil þat he haf mad assith befor god eftir þe dome of schryffand for mansuorn and haf geyffin into þe kyngis amendis viij ky and fra þin furth he salbe put fra al pruff and wytnes and be nevir holdyn as man bot as unman.

Leges quatuor Burgorum (Berewic, Rokisburg, Edinburgh, Strivelin) Mayd and ordanyt be the Kyng David.

(It will be seen from the collateral law-latin forms that the influences of the two languages upon each other have been at times reciprocal.)

I. of þe Kyngis rent in borowagis (de redditibus domini regis in burgagiis.) In þe fyrst quhat is þe rent of oure lorde þe kyng in borowagis þat is to say þat ilke burges sall geyff to þe Kyng for his borowage at he deffendis for ilke rud of land vð be yhere.

V. of thingis lente be a burges man tyl ane uplandis man Gif a burges hafe lent of his catallis tyll hym þat wonnys out of þe burgh gyf þe dettur grauntis þe dett he sall zelde it and gif he nytis it he sall þarof do rycht befor þe lawhaldaris of þat ilk burgh

XXV. of stryff muffytt betuix schipmen in burgh (de contencione) Gif schippis or oþir strange kynrikis arrayfis in þe kyngis lande of Scotlande and kontak ryse betuix þe partyis of suilk meynge within the havyn of þe kynge þe kyngis bailzeis sall holde rycht betuen þaim of alkyn manere of querelle ony of þaim will pleynge of oþir þe quhilk wrang was amuffit betuen þaim in þe land of þe king of Scotlande and gif it sua sall at þe challengeour or þe defendoure hafe giffyn his toll and done to the kyngis land þat at he aw to do and þe schyp be in þe rade wele and in pes he sall pas and þe tane of þe topir sall get his rycht quhare he best may

XXI. Of borowage geyffin in fre mariage

Gif ony man has takyn a borowage in fre mariage wyth ony woman and gettis wyth hyr a knayff chylde or a maydyn and thruch aventure þe wyfe deys and eftyr þe dede of þat modyr hir son or hir dochter leyffis or deys þe man sall joys þe borowage all his lyf tyme bot he may nocht wedsett na sell it And gif þat ilke nycht at þat son or þat dochtyr be borne bathe þe modyr and þe barne deys þan sall þe man ioyis all þe gudis of þat land in his lyfe sua at þat man sall have wytnes of tua leil men or of women nychtburis þat herde þe chylde cryand or gretand or brayand And sua gif he haf tane ma landis wyth his wyfe in mariage And gif he gettis with his wyfe na chylde þe land sall turn tyll his wyffis next ayre.

XLII. of landis sauld be encheson of povertie

Ilk man in his lege pouste may sell or geyff þe landis þat he has of conquest in burgh to quham sa evir he will Bot gif þat thruch nede hym behovys sell his lande þat he has of heretage he sal at the thre hevyd mutis proffyr þat lande to þe next of þe ayris And gif þaim lykis to by þat lande þai sal fynd til hym at mysteris to sell mete and clathis suilk as beis necessare to þaim self þe clathing sall be of a hew grysande or quhyte And gif þai nocht wil do sua or þan be unpowar may nocht it sall be leiffull til hym þe forsaid lande as he best may speid to sell And gif the ayr be ututh þe kynrik in þe next kynrik he aw to byde hym XL dayis And gif þat he be in a ferrar kynrik next þat kynrik he aw to byde hym tuyis XL dayis and sua of oþir ferrar kynrikis And gif þe ayr be absent for will wyl or malyce langer þan þe forsaid termys til hym



assignyt it sal be leifful to þe man mysterand to dyspone on his lande quhar he may best speid.<sup>1</sup>

XLIII. Gif ony burges be challangyt of his land or of his tene-ment in burgh he is nocht haldyn to ansuer to his party adversar foroutyn þe kingis lettyris bot gif him lykis and he at is challangyt may ryn til his delayis and til his skylful essoingeis anys tuyis and thryis And þe ferde tym he sall cum to warrande his essoingeis ilke ane at he made as þe ordyr of law will<sup>2</sup>

XLVI. of ane castellane and a burges

Gif ony man of þe castell has ocht misdone til ony man of þe burgh he sal aske lauch at þe Castell ututh þe yhettis And gif ony man of þe burgh has ocht misdone til ony man of þe castell he sal aske lauch of hym in þe burgh<sup>3</sup>

LX. of baxtaris and þaim þat sellis fysche

Baxtaris at bakis brede to sell sall bake quhyte brede and gray eftir þe consideracion and prise of þe gud men of þe toune eftir as þe session askis And þe baxtar sall hafe to wyning of ilke chaldir eftir as sall be sene thruch þe gud men of þe toune and nocht eftir his awne discrecione And quha þat bakis brede to sell aw nocht for to hyde it bot sett it in a wyndow or in þe mercat þat it may be opynly sauld And quha sa dois opirwayis and þairof þai be convict

<sup>1</sup>Quilibet potest in legitima potestate sua dare vel vendere terram quam habet de conquesta suo cuicunque voluerit sed si necessitate compulsus hereditatem vendere oporteat debet illam terram ad tria placita capitalia proximis hereditatem offerre quod si proximi heredes terram illam emere voluerint invenient ei necessaria scilicet victum et vestitum sicut sibimet ipsis Vestimentum sit unius coloris scilicet griffi vel albi quod si sic facere noluerint aut per impotenciam non poterint licebit ei dictam terram prout melius poterit alibi vendere quod si heres fuerit extra regnum in alio regno proximo expectare debet per XL dies Si autem in secundo regno per bis XL dies expectare debet et sic de regnis ulterioribus Si autem heres maliciose ultra dictum terminum se absentaverit licebit indigenti de terra sua prout melius poterit disponere.

<sup>2</sup>Si aliquis calumpniatus fuerit de terra vel tenemento suo in burgo non tenetur respondere adversario suo sine literis domini regis nisi sponte voluerit Et ipse qui calumpniatus est potest concurre ad dilaciones et ad racionales essonias semel secundo et tercio Et quarto veniet ad warrantandum essonias suas et respondere ballivis quales sint de die in diem

<sup>3</sup>De castellano et burgense.

Si aliquis de castello foris fecerit burgensi burgensis petet ius suum ad castellum extra portas Si verso burgensis foris fecerit castellano castellanus petet ius suum in burgo de eo.

þai sall pay amercyment of viii s. and þe brede sall be delt to þe pur folk And rycht sa aw it to be of hym þat bryngis fysche to sell to þe burgh.

LXXXI. of þe maner of waking in burgh

It is for to wyt of ilke house wythin þe burgh in þe quhilke þar wonnys ony þat in þe tym of wakyng aw of resoun to cum furth þar sal ane wachman be holdyn to cum furth quhen þat þe wakstaff gais fra dure to dure quha sal be of eylde and sal gang til his wache wyth tua wapnys at þe ryngyng of þe courfeu and sua gate sal wache wysly and besily til þe dawyng of þe daye and gif ony herof failze be sal pay iiiii d. outtane wedous (viduis exceptis).

LXXXII. of playnte of hym þat is mayd blaa and bloody

Gif ony man strykis anøþir quhar thurch he is mayd blaa and bloody he þat is mayd blaa and bloody sal fyrst be herde quheþir he cumys fyrst to plenze or nocht and gif þat bathe be blaa and bloody he þat fyrst plengeis him sal fyrst be herde.<sup>1</sup>

XC. of burges þat aw dette

Gif ane burges aw dette till ony man and at þe terme hafe nocht to pay it bot his landis þe man þat þe dette is aucht to sal holde þe landis thurch a yhere and a daye and wythin þat yhere and daye he sal peroffyr (offerre) þaim to þe nerrest ayris And gif þai wil nocht by þaim or ellis outquyte þe dette it is leyfull til hym to sell þa landis quhar he wil And gif þare be ocht attour it sal be geyffin to þe dettur.

XCI. of fraudful redemcion of landis salde.

Gif a burges sellis his land for encheson of nede wythin þe burgh and it hafe bene befor þe sellyng of it byddin to þe nerrest of þe frendis þat tym þai nocht hafande quhar wyth þat þai mycht it by and syne eftir quhen þat lande is wele byggit and anournit (terram promotam et hospitatem) þan sum man of þe next frendis cummys wyth a soum of silver frandfully þarto borowyt and byddis þat lande to hy he aucht nocht to be herde na eftir agane call þe byer of it on ony wyse (nec potest eam aliquid modo revocare)

CVII. of þe successionne of þe sone to þe fadris herytage.

<sup>1</sup> Si quis verebando fecerit aliquem blaa et blodi ipse qui fuerit blaa et blodi prius debet exaudiri Sive prius venerit aut non ad quæmoniam faciendam Et si uterque fuerit blaa et blodi qui prius accusaverit prius exaudietur.

Gif it sa betyde þat ony man hafe landis ouþir of heretage or of conquest and he luf þat til hym is ayre sa mekyll þat he gevis to þat sone all his landis in his lege pouste And efteruart a myster unexcusabill (inexcusabilis necessitas) cumis to þe forsaid fadre and he schawis til þe sone his myster þe quhilk sone will nocht do to þe fadre na succour þan may þe fadre leyfully sell or wed sett þe landis quheþir heretage or conquest to quha sum ever he will for his myster And suilk nede aw to be provyt befor þat þe landis be salde or analyt be þe athis of XII lele and worthie men of þe burgh þat is to wyt four wonnande on þe ta halfe and four on þe toþir halfe and oþir foure fare anent þe house or ellis þat alienacion sal be of nane avale.

*Assize Regis Willelmi.*

XV. of a man slayn in þe kingis vengeance

Gif ony man for thyft or for reff deis be law of irn or watir and of him rycht be done or gif he wer slayn with thyft fundyn wyth hym and efterwarte gif his kyn in vengeance of hym slew hym þat brocht hym to þe law þe king sal haf als fully rycht of suilk men slayeris of þe dede of hym as of his pece fullily brokyn withoutyn concord or relaxacioun bot gif it be throu þe consail or þe assent of his kyn And gif it hapin throu case þat þe king grantis pece til hym þat wes slayn ner þe les þe kyn of him sal tak vengeance of þam þat slew þar kyn.

XXIV. of land geyffin be þe king to his demayne

þe king hes statut be þe counsal of þe communitie þat gif he haiff gevyn ony man of þe landis in his propir demayne oþir extendit be þe aithis of leil men of þe cuntre or of his awin wil withoutyn ony athis be certane methis and merys quyt and fre for evir mar sua þat fra þin furth wyth breyff of pureale na wyth nayn oþir breyff he may tyn oþir al or part of þe sayd land bot gif it war throu a breyff of rycht And þan þe king sal mak til hym a ressonable chang or þan warand þat ilke land til him.<sup>1</sup>

<sup>1</sup>Statuit dominus Rex per consilium communitatis sui quod si Rex aliquam terram infra dominicum suum alicui dederit per extensionem sacramenti fidelium hominum provincie vel de voluntate sua sine sacramento alicuius et certas metas et divisas quietam et solutam imperpetuum ita quod de cetero neque per breve perambulacionis neque per aliquod aliud breve aliquam partem terre illius amittat nisi per breve de recto et tunc Rex debet ei rationabile excambium facere pro dicta terra vel ei ipsam terram warantizare.

Acta Regis Alex. III, appendix II (p. 431).

Statuta gilde. XIII. off þe doȝter of þe gyld bruper

Gif þat ony of þe breþer of þe gyld efter his desces leyff a doȝter off his spousit wyff borne þe quhilk be of loffabil conuersacione and of gud fame geyff scho has noght of hir awin quhar of it may be purwayt hir of a man [or of a religiouse house gif that scho lyk to lef chast] efter þe estimacioun of þe alderman and þe faculte of þe gilde it salbe purwayt til hir of a husband or þan a hous of relygione.

XIV. Gif ony of þe breder of þe gilde hapyn to disses and has not to bring him to þe erde as afferis or to ger sing for his saule þe breder sal tak of þe faculteis of þe gilde and ger his bodye be honestly layd in erde.

French is frequently found in Records, especially in Acta Margaret, 1289; Robert I (1308), Berwic, 1323, 1327; Edward Balliol, Edinburgh, 1333, Feb. XII; David II, 1357, 1363-64, and Indenture of 1367 made at Berwyk, v. Appendix II to David II's Acts; Robert II, July 1, 1385. See also in the Reg. Scot. Par., pp. 84, 85, 90 seq., 98, 102, 103, 107, 116 (of the year 1369), 119, 1371; 120, 122, 123, from the French King Charles, 123; Robert II, 1371; 126, 1372; 130, 1374; 131, 1383; 132, 1383; 135 Robert, 1385 (compact with the French); 136, Robt., 1390; Charles, 1406.

In the following the contractions are expanded in italics. The remarks on MS. symbols of contraction, in Morris and Skeat's *Specimens*, pt. I, p. xx, II, p. xv, and in Horstmann: *Barbour's Legendensammlung*, II, pp. 305, 306, cover all the ordinary peculiarities of Scottish paleography.

Acta Robert III, Stirling, 1397

Item in þe consail general of stryvelyn seyn *and* consideryt þe grete *and* horrible destruccion heryschippis brynyngis *and* slachteris þat ar sa commonly done throch al þe kynrike It is statutit *and* ordanyt with assent of þe thre communitatis þar beande þat ilke schiref of þe kynrike sal publy ger crye þat na man rydand or gangande in þe coñtre lede mar persons with hym bot þaim þat he wil mak ful payment for Ande þat na man vse lik destruccionis slachtir Reif na bryning in tyme tocum under payn of tynsale of life *and* gudis þe quhilke crye made ilke schiref sal tak diligent enquerres gif ony be comon destroyeris of þe coñtre *and* oþer derstruys or has destruyt þe kyngis legis with herschippis slachtis

bryning or ettyng of þe coñtre. And gif ony be fundyn be enquerre of sic trespassouris þe schiref sal do al his besines til arest þaim *and* he sal lat þaim to borch til appeȝ at þe next iustice air as day pre-emptoȝ | Ilke ane vnder þe payn of xx poñde. And he þat apperis nocht at þe next iustice air sal be at þe horne *and* his borous sal pay the payn and mak affecht to þe party pleygnand | *and* gif ony be þat may nocht fynde sic borows þe schiref richt þen sal gif knaulage of assise | *and* gif he be taynt with þe assise for sic a trespassour | he sal be condampnit to þe deid And gif ony of þa misdoeris fleys out of a schirefdom in ane oȝer | þe schiref þat he fleis fra sal write in quhais schirefdome he is reset | byddand hym on þe kyngis hehalfe þat he arrest sic a fugitive mysdoer *and* send hym til hym agayn To þe quhilk bydding þe schiref sal be haldin til obese | *and* to sende hym agayn | þe qwhilk send agayn | þe schiref þat he is send to sal procede in þe maner beforsaid. And in þe samyn maner sal al lordis *and* officeris of regalites ansueȝ to þe schirefis lettres *and* þe schiref to þair lettres as to þe arrestyng of þe fugitives In þe execucion of þe quhilkis arrestis al baroñs freholdaris *and* al oȝer þe kyngis legis sal helpe *and* suppouel þe schiref *and* al oȝer officeris of þe kyngis at al þair pouer alswele agayn þair awyn men *and* retenwis as agayn oȝer And gif ony be fundyn sautif in þat poynt þat he risis nocht with þe kyngis officeris as is beforsaid *and* þat may be prouit before þe Justice oȝir with witness or with assise he sal pay x pound to þe kyng without remission. Apon þer articles þe Justice in ilke iustice air sal tak knowlage | als apon schirefis gif þai do deuly þair det to þair offic in þe execucion of þis statut as upon al oȝer þat suppouel nocht þe kyngis minsteris in þe maner beforsaid. And it is ordanyt þat þe chancellor sal write preceptis of þis statut til al schirefis Justices in als fer as in þaim is *and* con . . . or pertenis to þaim.

James I, Acta, 1417.

at Perth, General Council, June XXVI.

Robert duyc of Albany erle of fyfe *and* of menteth *and* gouvernouȝ of Scotland to þe schirefis of Aberden *and* of banf gretyng. Our wil is þat yhe wit þat we tretande with ony of my lorde þe kingis liegis for þair relesis *and* accordande with þaim for certane soume or forgifande þaim *and* relesand þair releif oȝ gifand selland or acordand with ony of þe kyngis legis for ony warde or mariage or ony profite

falland to þe kyng. þat it is nocht our̃ entent wil or purpose til trete, sel or forgife ony thyng̃ pertenand til þe biscop *and* þe kyrk of Aberdeen þe quhilk wes of alde tyme *and* is in possession of þe tend peny of al wardis relesis *and* mariagis vscheis of courtis eschetis *and* operis profitis falland to þe kyng in þe forsaid schiref-domys. Quharfor to yhu schirefis of Aberden and of banf *and* to yhur baillyhis *and* ministris *and* al operis þat it pertenys to. we gif straitly in mandement *and* chargis yhu. þat nocht agaynstandande ony relesyng, gift, sellyng, forgifyng or acordyng we mak with of þe kyngis legis of warde relese. mariage or ony opir profite falland or pertenand to þe kyng, or ony opir profite of ye quhilke his predecessouris or he ar wont til hafe þe tend peny. distreignande for it be yhur selfe or be yhur ministris or his. Sua þat in defaute of yhu we her na richtwis complaynt. And þis vnder al payn þat þarefter may fal yhe leve nocht vndone. Gevyn under our prive seil at Perth in general conseil þe xxvj day of Junij, þe yher of grace a thousande fouř hundred *and* sevynten, *and* of our gouvernail þe tuelft.

James I (Vol. II). Perth d. Mar., XI, 1425.

4. Item it is statute and ordanit be þe king *and* his parliament þat all *and* sindry both men *and* women of his realme to quham he has grantit ony *lettres* of newe infestment *confirmacion* or *proteccion* speciale vnder his hail grete sele fra þe tym of his cuming hame in his realme out of þe realme of Inglande to þis day *present* þar *lettres* to þe king or to his deputis þerto ordanit w<sup>t</sup> in þe space of iiij monethis nixt to cum at þai may be put in þe kingis Register til *perpetuale* memor. And quha sa *presentis* nocht þar said *lettres* w<sup>t</sup> in þe iiij monethis forsaid fra þin fur<sup>t</sup> þai *lettres* salbe to þaim of nane awayle fors nor effec.

James II, 1447.

No. 39. Item þe lordis thinkis speidfull þat our soverane lorde *Commande* all his *Schirefis* and commissaris of borowis to cum to þe clerk of his Regestre and ger copy all þir *articulis actis* and *statutis* abone writtyn and ger *proclame* þame opinly throu out þar schyris and burowis sa þat nane of his liegis allege ignorance of þame in tyme to cum And alsua þat all þe *actis* and *ordinancis* abone writtyn þe quhilkis ar necessary till his baronis and frehaldaris to be schawin at þer witsundais making or in þer barone courtis ryt sa be takin and copyit and schawin to his tenandis sa þat noþer þe frehaldar nor þe

tenandis be negligent nor pretermyt þe observyng of þe saidis decretis and at þe paynis set þerapone be sa deuly raisit þat þe saidis actis and decretis be observyt and kept as efferis.

James III, 1469, p. 123.

In oure souverain lordis parliament haldin *and* begunnyn at Edinburgh þe twenty day of þe moneth of November þe þer of our lord a thousand four hundreth sixty *and* nyne ȝeris It is act and statut be our souverain lord and þe thre estatis In þe said parliament that for alsmeikle as our hali faider the pape and þe sege of Rome has grantit a *privilege* and ane Indult perpetuate to þe prelat<sup>is</sup> bischopis of saintandros to Conferme þe persouns þat salbe chosin or postulat be *conventis* to be abbotis or priouris within þe diocy of Saintandros quhilkis Indult *and* priuilege Is rycht honorable in þe selve and tendis to þe comoun proffit of þe Realme And our souverane lordis liegis þat þerfor þe said Indult and *privilege* salbe obseruit *and* kept be our souverain lord his successouris *and* liegis In tym to cum without violacioun or breking of þe sammyn And þat na persouns his liegis or subditis of quhat sumever stait degre or ordour þai be of to our souverain lord be ony maner of menys or wayis In tyme to cum tend In þe contrar of þe said Indult or *privilegis* And purchess ony abbasys or prionryis þat sall vaik with þe diocy of Saintandros In tyme cummyng pertening to þe confirmacioun of þe said prelate bischop of Saintandros beand for þe tyme bot be þe said Indult *and* *privilege* | or raiss ony *commissioun* aganis þe personns now *commovit* or to be *commouit* *confermit* *and* to be *confermit* be þe said prelate bischop of Saintandros for þe tyme vnder þe pain of Banyng perpetual *and* *proscripcioun* of þe Realme And vnder all þe hiest pain of tresoun And cryme of oure souverain lordis hurt maieste *and* his successouris And in likwiss it is ordanit þat na persouns liegis to our said souverain lord purchess ony Benefice without þe Realme quhilk Is of auld use and *consuetude* | *and* was . . . *ed abservit* *and* usit tobe present gevin or *confermit* within þe Realme be þe patrons or *ordinaris* of þe diocy | or Raiss on *Commissioun* þerappoun vnder sic lik pain and incurring of þe kingis hie Indignacioun . . .

James IV, 1488.

Cap 10. Item it is statut and ordanit anent the article belanging to Burrowis in þe tym of þe Justice aieris quhilkis hes bene replegeit

fra Justicis he sittand in þe principale burgh of þe schire to þar fredomes throw þe quhilkis replegeing Justice has noch bene done upon the Inhabitantis of the saidis burrowis in tym bygane Thairfor in tym to cum It salbe lechfull to þe kingis Justicis he sittand in the principall burgh of þe Rialte apoun the mater of þe air to gif ane assiss of all the Inhabitantis within otheris burrowis And nocht to lat þame to borch and it pleyss him And to gif þaim ane assiss of þer awne nichbiaris that best knowis þe verite gif þai be present And gif sa mony be nocht present þat þai may be to sufficient nomer that it salbe lefull to him to cheiss ane assiss of the said heid burgh or to like the nomer as he thinkis maist expedient for þe gud of Justice and without preiudice of the fredomes of the said Burrowis and c

James IV. 1503, Cap 8.

Item anent þe article of notaris becaus þair hes bene diverss and greit complentis maid be our soverane lordis liegis þat þair Is sa mony fals notaris in þe realme that it is dred throu þair falset þat trew men sall nocht be sicker of þair hereytage nor clerkis of þair benefices and in vþer civile actionis quhilk may causs ane greit division amang our soverane lordis liegis Thairfor It Is statute and ordanit in þis present perliament that all bischopis and ordinaris mak all þe notaris wtin þair dioceis to be callit at a convenient day and place befor þame and mak þame be examynate vpoun þair sufficiency and knowlege And als tak Inquisition how þai have demanit þame and of þair fame and þe personis þat þai find culpable þat þai deprive þame of þair offices and punnyss þame for þair faltis according to þair demeritis and þe personis þat þai find acceptable þat þai send þame wt þair writtingis to þe kingis hienes quhilk sall depute certane persounis to examyn þame And gif þai be ganand to mak thame regale gif þai be nocht maid regale of befor And als þat þe said ordinaris tak inquisition of all þame þat usis fals instrumentis And insafer as belangis his office ordinar to punyss þame and quhair it belongs nocht to his office ordinar to send þame to þe king to be punyst as effeiris.

James V, 1540.

Cap. 7. ITEM quhair ony beis suspectit of heresie and lauchfully summond to ansuer of þe samin ar fugitiue þat þai salbe and comdepnit as heretikis And it sall nocht be lefull to na man to



solist procure nor mak supplicatioun for þare purgacioun reduction or grace vnder the pane to be punist as favoraris to þe heretikis and þe saidis personis fugitives noch to be admittit to purgacioun nor oþerwayis to reconciliatioun nor þit to remane or converss in our realme Alsua we forbid to all our subiectis quhatsumever estait þai be to present requeistis mak ony supplicatioun defend supple dyit or writt counsal help procure or mak advocatioun solici-tatioun labor or assist ony wayis to na heritikis fugitivis or banist perfor or opir contamynit personis þat ar or haue bene of þe said reprevit sect of heresijs to haue or Impetrate ony grace of þair erroris quhilk we will na way be accordit to þame vnder þe pane to be pvnist as assistaris to heresiis.

1540, Cap 47. For prenting of þe actis of perliament.

ITEM Oure souerane lord hes Ordanit þat the actis of perliament maid be his hienes be publist outhrowcht all his realme And that all schereffis stewartis baillies *pro vestis* and baillies of burrowis and otheris his liegis may haue the copyis þairof and pretend na Ignorance throw misknawying of the samin HAS ORDANIT his clerk of regrij To mak ane auctenty extract and copy of all þe saidis actis safar as concernis þe commoun wele vnder his subscriptioun manual to be Imprintit be quhat prentar It sall pleiss the said clerk of Regrij to cheiss And It sall noch be lesum to ony other prentar nor writar To Imprint nor write þe samin witiñ þis realme or outout the samin or bring hame to be sauld for the space of vj geries nixt tocum vnder the pane of confiscatioun of the samin Providing alwayis that the said prentar to be chosin be the said clerk of Regrij as said Is haue our soverane lordis speciale license þairto

Mary. Haddington, July 7th, 1548.

IN THE PARLIAMENT of ane maist Excellent Princes Marie Quene of Scottis haldin at the Abbay of Haddington the seuint day of Julij The zeir of God ane thousand fyue hundreth fourtie aucht zeiris be ane habill and mychtie Prince James Erle of Arrane Lord Hamiltoun, &c., and Gouvernour of the Realme the thre estatis of the Realme being present THE quhilk day Monsiour Dessy Lieutenantt generall of the navy and armie send be the maist Christin King of France for support of this Realme at this present tyme schew how that his maister the King of France havand regard to the ancient lig confederatioun and amitie standand betuix the Realme

of France and this cuntrie and of the mortall weiris crudeliteis depredatiounis and intollerabill iniuris done be our auld enimeis of Ingland aganis our Soverane Lady being of sa tender age hir Realme and liegis thair of thir divers zeiris quhairthrow the said Maist Christin King being movit throw fraternall amitie and confederatioun fairsaid could do na less to aide support manteine and defend at his powar this tender princes hir Realme and liegis as propiciant and helplyke brother contrare all others that wald attempt iniurie aganis the samin not be wordis but be way of deid and to that effect has presentlie send him in this Realme with his nauie and armie of Nobill men with sic directiounis as to put this Realme to the auld liberte privilege and fredome and to recouer all strenthis Castellis and Fortalices out of our auld enemeis handis with the aulse counsall and assistance of my Lord Gouvernor and Nobillis of this Realme at thair utter powar and to wair their lines to that effect and not auerlie hes send this armie presentlie bot also promittis in his said maisteris name at all necessare tymes to cum to send and have in Garnison men of weir munitioun and money in this Realme in sic quantitie that sall repres our saidis auld enimeis during the tyme of weir and keip *and* defend this Realme fra thame and all others in libertie and fredome conforme to his commissioun obligatioun and promeis gevin to him vnder the said maist Christin Kingis greit seillis schawin *and* producit in face of Parliament &c., 1551.

Cap. 26. ITEM. For as mekill as their is divers Prentaris in this Realme that daylie and continuallie prentis bukis concerning the faith ballatis sangis blasphematiounis rymes alsweill of kirkmen as temporall and others Tragedeis alsweill in latine as in Inglis tounge not sene vewit and considerit be the superiouris as appertenis to the defamatioun *and* sclander of the liegis of this Realme and to put ordour to sic inconuenientis It is devisit statute and ordanit be my lord Governour with aulse of the thre estatis of Parliament That na Prentar presume attempt or tak vpone hand to prent ony bukis ballatis sangis blasphematiounis rymes or Tragedeis outhir in latine or Inglis tounge in ony tymes to cum vnto the tym the samin be sene vewit and examit be sum wyse and discreit persounis depute thairto be the ordinaris quhatsumeuer and thairefter ane licence had and obtenit fra our souerane Lady *and* my Lord Gouvernor for Imprenting of sic bukis vnder the

pane of confiscatioun of all the Prentaris gudis and banissing him of the Realme for euer.

Records of the Scotch Parliament, Vol. I (Suppressed).

Such copious extracts have been given from the two volumes of the 'Acts' that extracts from the so-called volume of the Records seem hardly necessary. A few, however, are desirable.

Of speciale fredomys grantyt to þe burgess be King Wilzame

King Wilzame king of Scotlande grantyt to þe burgess of his said kynrik þat nane of thame sulde be distrenzeit be na man to zelde ony det bot gif he eþer was borghe or dettour and alsua he has grantyt to þe saide burgess þat þai haif thar marchandice with all þe fredomys pertenande þairto þat is to say þat nane of thame be mote without þe zettis or thar burghe of na maner of mute out takin þe mutis of all termys And alsua he has grantyt to thame do batale be þe mutis þat fallys to þe kingis crowne and zit at þai be derenzeit be þe lawe of Wynchister þat is throu þe acquitance of xii lele men þat ar burgess Alsua he has grantit to thame and to þair aieris þat þai salbe quyt of toll and lastage and pontage of passage alswell within as without of all þe hawynnis of þe see within þe kinrik of Scotlande alsueill on þis side of þe Scottis see as bezonde Ande alsua he has grantit to thame þat nane of thame salbe dampnyt in amercyment of þar gudis bot efter þe Custum of þe Wynchister and þat is nocht attour Ls and he has grantit thame þat thai sall haif thar landis tenementis or weddis or dettis to thame acht resonably and all maner of othir thingis till thar caus lent or laide in wede within þar burghe it salbe fullely determyt be and endyt &c., pp. 4-5.

How þe wichtaft and best of consale salbe chosin to manteine þe lawis The Aulderman and þe Bailseis and þe best men of þe burghe sall choiss XII gude men ar mai gif it be myster or neidfull of þe maist sufficient and of þe maist discreit and of þe maist lauchfull of þat burghe þe quhilkis salbe oblist be þe gret aithe þat thai sall zeme manteine and defende efter thar power þe commone lawys and wsit custumis of þe borovis maide and ordanyt throv sikkir consalis of kingis and in our tyme lede, p. 5.

Of þe statute þat na officiar salbe pledar

It is statuyt and ordanyt be King Robert þe Bruce þat na chawmerlane Justice Bailseis clerkis na seriandis nor nane vthir officiaris of law be manteinaris of mutis or querellys into courtis of our Lord

þe kingis na landis na zit nane othir thingis þai sall tak on hande for to defer nor tary þe rycht of ony part without þe forme of lawe And quha sa her agane dois and tharof is conuickit he salbe in þe kingis will and tyn his office for euermare.

Of thame þat ar in possessione

IT is ordanyt þat na man salbe put out of his tenementis of þe quhilk he is westyt and seisyt without þe kingis breif pledable And quha sa aganyis this dois sall nocht be herde in lawe or ellis þat he haif sum othir breif þarto accordande and þat þe party be resonably summonde warnyt till ansuer at certane daye and stede of his free tenement till his party contrary, p. 5.

Heir begynnys þe lawys maid be King Alexr King Wilzamis sone In ye first Alexandyr. Of þe setting of Landis (dated by Thomson 1214)

The zer of grace 1<sup>m</sup> cc and x . . . þe day of þe Incarnacione þat is to say Sanct Mary in lentiryne at þe profet of þe lande gaif decret þat ilke bondeman within þe kinrik þat fra now furthe þai begyne to eir and sawe lande for thar awne profet with all thar besyness and mycht þe XV day forow candilmess and alsua þat ilk man þat has mare na iiij ky þat he tak land of his lorde and eir and sawe for þe sustentacione of his body and the vpholde of his famell And all thai þat has less than iiij ky þat wonnys in þe feild þat may nocht mak tilthe with oxin þai sall with thar handis and thar feit delfe þe Erde and thar sawe sua þat þai may wyne sustentacione for thame and tharis and gif ony man has oxin and na lande than sall thai sell thar oxin to thame þat land has to eir and thai sall delfe with thar feit as befor said is And gif ony Erle or ony lorde in quhais lande þe purell duellis will nocht lat it be done he sall gif to þe king amercyment of viii ky And gif ony man þat haldis lande of þe Erle he sall to þe Erle viii ky And gife he be seruande or husbande man or bondsman þat will nocht do it his lorde sall tak fra him a kowe and a scheip and fra now furth he þat will nocht do on his awne free will thai salbe wrangyt to do it sa þat men fle thir wordis þat is to say þai þat walde nocht eir and sawe in wynter . . . . sall thige þar meit in somer and na thing to be given to thame and tharfor best is þat ilk man wirk and travell with his awne will sua þat he may get gudis sa þat he may gif hart to thame þat mekill myster hais for that is better than thige tharsell this foir-

said lawe was made at þe citee of Sanctandrois þe first day of þ<sup>e</sup> kalendis of Februare

Off weman askande thar thirde part of drowry

Item it is statuyt be couss of gret mute and stryf betuix twa parties þat is to say of a lady askande þe third part of þe lande of hir husbande Ande on þe toþer part hir party contrary defendande ande allegande lawe and statute of tyme befor And tharfor it is statuyt and ordanyt þat fra nowe furthe ilke woiman wedowe þat has rycht till ask þe third part of ony land after hir husbandis decess sall haif it þat is to say of drowry alsueil as of þe remanande of þe laif. p. 6. Alex. II, Cap 10 (Thomson)

Of a theif takin with gilt

Gif ony man haif stowyne ony catale and men folowe him with how and cry and suyt of court efter him and he be fundyne sasit with þe stowyne catall hastely dome salbe gevin on him as of a prowyt theif and gif þe men of þe contree þat folowis þe gudis seis þe theif leif stowin catale neuerþe latter þe lawe hastely be done of him as of a tayntyte theif and prowyt. p. 7. King William (Thomson)

Of þe manner of hostyng.

Item it is ordanyt be þe said king of thame þat cummis to þe oist þat gif ony man of quhat condicione sa euer he be had maide mannislauchter ref or stouthe in ane other mannys lande cumande gangande or duellande in þe said oist be indictyt befor þe Justice the parteis playnt to quhame þe scathis ar done salbe resawyt in this maner The bailze of þe bailzery quhar þe trespass was done ande þe trespassour duellis sall haif commandment of þe Justice þat he be attachyt to cum ande ansuer in þe saide place alsseuill to þe saide scathis of him þat is plantyifs as to þe indictment of þe kingis and þat he be punyst efter þe quantitee of þe trespass in forme of lawe for othir wayis it may nocht be declaryt

The statute of Erratikis and lollardis

Item anent lollardis and Erratiteis þat ilk biscop sall ger inquiry be þe inquisicione erratiteis quhar ony sik beis fundyne And that þai be punyst as lawe of halykirk requiris And gif it mysteris þat secular power be callyt in svpport and helping of halykirk p. 12 (1424)

Anent þe keping of the statutis maide be þe parliament

Item at it be requyryt be þe kingis ministerys gif þe statutis maid in his parliament be kepit and gif þat þai be fundyne brokyn in ony poyntis at þe brekaris of thame be punyst efter þe ordinance of þe said parliament. p. 12 (1424).

Anent stalkaris þat slayis deir

Item it is ordanyt þat þe Justice clerk inquiry of stalkaris þat slays þe deyr þat is to say hert hynde Raa and daa and þe haldaris and manteinaris of thame And als sone as ony stakar of thame may be convickit of slauchter of deyr he sall pay to þe king xls and haldaris of thame xli

Anent hostilaris

Item it is ordanyt and bidding generaly to all burgess generaly of þe realme þat thar be maide hostillaris and publist herbry placis in þe borouys honest and ganeand at þe maner of wthir realmys to ressaif all and sindry strange gearis allsueill fut men as horss men þat travallys throu þe realme vnder þe payne maide tharapone in þe parliament. James I, 1426.

The statute of þe tavernis in þe nycht

The king and þe thre estatis has ordanyt at na man in burghe befundyn in tavernys at aile wyne or beir efter þe straik of ix houris and þe bell þat salbe rongyn in þe said burghe þe quhilk beande fundyn þe aulderman ande bailseis sall put þame in þe kingis presone þe quhilk gif thai do nocht thai sall pay for ilk tyme at þai be fundyn culpabill before þe chawmerlane 1s & c, p. 27. James I, 1436.

Ffor eschewing of derth within þe contree

Item it is statuyt and ordanyt for þe eschewing of derthe within þe lande þat scheriffis bailseis and wperis officiaris bath to burghe and to lande tak and inquiry ay at ilke court at þai halde quhat personis within þe bowndis byis witale and haldis it till a derthe And gif sik beis fundyng that þe Scheref and wper officiaris mak it knawin at ilk marcate cross to þe king quhat personis þai ar And at þai be bot okkiraris repute and at thai be punyst and demanyt as okkiraris sulde and at þe wittale at thai haif be eschet to þe king, p. 32. 1449, James II.

Item þat na man nor woman pass in Inglande without leif of þe king þe wardane or of thame þat he giffis power to in þat part in tym tocum vnder þe payne of tresone

Item gif ony Inglischman cumis in Scotlande to kirk or marcat or ony wþer place withoutyn conduct or assouerance of þe king þe wardane or þame þat power hes he salbe lauchfully presonar to quhat persone likis to tak him.

Item gif ony Scottis man bringis in þe realme ony Inglismen or metis thame at ony tristis haifande na powar þai salbe tane and put in furance þar gudis takin and arestyt to þe tyme þat þai be punyst as þe king will ande þe wardanys.

Item þat na Scottis man set apon ony Inglisman in speciale assouerance but leif of þe king or of þe wardane wnder þe payne of treson.

Item þat na Scottis man support Bervyk nor Roxburghe with na wittail fewell nor nane wþer supportation wnder þe payne of treson, p. 38, 1455.

Anent wapinschawing.

Item it is ordanyt and decretyt þat wapinschawing be haldin be þe lordis and baronys spirituale and temporale four tymis in þe zer and at þe futbawe ande þe golf be vterly cryt done and nocht wsyt ande at þe bowe markis be maide at all paroch kirkis a pair of buttis and schuting be wsyt ilk Sunday ande þat ilk man schut six schottes at þe lest wnder þe payne to be raisit apone thame þat cumis nocht at þe lest iid to be giffin to þame þat cumis to þe bowe markis to þe drink and for to be wsyt fra Pasche till alhallomess interande be þe nixt mydsomer with all þar geir without sonze and þat þar be a bowar ande a flegger in ilk hede towne of þe schyr and at þe towne furnyss of stuf and graithe efter þe nedis þarto þat he may serve þe cuntre with and tuichande þe futbow and þe golf we ordane it to be punyst be þe baronys wnlawe and gif he takis it nocht to be tane be þe kingis officiaris and gif þe parochin be mekill þat þar be iii or iiii payr of buttis in sik placis as best accordis þarfor and ilk man within þat parochin passit xii zeris sall wse schuting. p. 41, 1457

That wolne clath be met be þe Rige

Item to eschew þe dissaite and skaithe þat our souerane lordis liegis daily and all tymis sustenys be þe metting of wolne clath be þe selwage it is thocht expedient þat in tyme cuming all wolne clath be met be þe Rig and nocht be þe selwage p. 50, 1469.



It will be seen from these examples that the language is much the same in the 'Acts' and in the 'Register.' Even through the legal disguise the formless character of the dialect is noticeable: the earmarks of the Scottish are present in abundance and the early statutes show words of Romance origin which from their older and adapted forms appear to have been already naturalized some time. The absence of a linguistic centre in Scotland, like London for the more Southern dialects, combined with physical and political conditions to make the prose loose and fluctuating. The early Councils were held at different places, and while it seems rather doubtful, the Records of the Royal Burghs may show marked distinctions in dialect when they have been critically examined.

The larger number of MSS. of the early laws have been assigned to the fifteenth Century. "In reality, however, the Scotch versions are translations of different and not accurately ascertained dates, but generally of the fifteenth century. We have none of these laws in any language in which the people of their day could have understood them. It happens, however, that there are dispersed among them old technical words which the scribes who put the text into Latin did not translate, not perhaps knowing their meaning, but incorporated, with Latin inflections."<sup>1</sup>

The admission of a 'text into Latin' by so conservative a historian as Dr. Burton, and the presence in these oldest statutes of many words which have retained their full Saxon flavor, incline one again to turn in the matter of belief in the early existence of vernacular statutes. The vexed question of the antiquity of the 'Regiam Majestatem' can here be simply indicated,<sup>2</sup> and it is hoped that the last word in this famous discussion is still to be heard.

It is probable that the Parliamentary Records were first generally written in the vernacular late in the fourteenth century. Latin and French (1385) had been used before. In the time of Robert III there appear contractions and other evidences of freedom from a Latin original. Dr. Murray gives extracts from the "oldest known documents in the vernacular" of the years 1389 and 1398 (Dial. So. Coun., p. 91, note). This should be compared with the

<sup>1</sup> Burton's History of Scotland, II, p. 64, note.

<sup>2</sup> Burton, Hist. Scotland, II, p. 58 seq.; Reeves, History of English Law, I, p. 486 seq.



conditions in the south, in doing which one finds that the beginnings of formal documentary and legal prose in the vernacular of the north were contemporary with those of London.<sup>1</sup>

We have a good specimen of dated prose in the letter written by 'George Dunbar, Earl of March to Henry IV, 18th of Feb.,' 1400. MS. Vespasian, F. VII, f. 22 (in Pinkerton's History, I, Appendix XII).

Excellent mychty and noble prince like yhoure realte to wit that I am gretly wrangit be the Duc of Rothesay ; the quhilk spousit my douchter and now agayn his oblisying to me, made be hys lettre and his seal, and agaynes the law of holykirc, spouses ane other wife, as it ys said of the quhilk wrang and defowle to me and my douchter in swilk maner done I as ane of yhour poer kyn gif it like yhow requer yhow of help and suppowall fore swilk honest service as I may do after my power to yhour noble lordship, and to yhour lande Fore tretee of the quhilk meter will yho dedeyn to charge the lorde the Fournivalle, or the Erle of Westmerland at yhour liking to the March with swilk gudely haste as yhow like ; qwar that I may spekyng with quhilk of thaim that yho will send, and schew hym clerly mine entent ; the quhilk I darr nocht discover to nane other bot tyll ane of thaime because of kyn and the grete lowtee that I traist in thaim ; and as I suppose yhe traist in thaim on the tother part. Alsa noble will yhe dedeyn to graunt, and to send me, yhour sauf conduyt, endurand quhile the fest of the nativité of Seint John the Baptist fore a hundreth knights, and squiers and servants, gudss, hors and harnais als wele within wallit town as withowt, or in qwat other resonable maner that yhow like fore travailyng and dwellyng within yhour land gif I hafe myster. And excellent prince syn that I clame to be of kyn tyll yhow and it peraventour nocht knawen on yhour parte I schew it to your lordship be this my lettre that gif Dame Alice the Bewmont was yhour graunde dame, Dame Marjory Comyne hyrr full sister was my graunde dame on the tother syde sa that I am bot of the feirde degre of kyn tyll yhow ; the quhilk in alde tyme was callit neir And syn I am in swilk degre tyll yhow, I requer yhow as be may of tendirness thareof and fore my service in maner as I hafe before

<sup>1</sup> Cf. Morsbach, *Ueb. der entsteh. der neuengl. schriftsprache*, p. 9 seq.

writyn that yhe will vouchesauf tyll help me and suppowell me tyll gete amende of the wrangs and the defowle that ys done me ; sendand tyll me gif yhow like yhour ansuer of this with all gudely haste And noble prince mervaille yhe nocht that I write my lettres in English for that ys mare clere to myne understanding than latyne, or fraunch. Excellent mychty and noble prince the haly Trinité hafe yhow evirmar in kepyng writyn at my castell of Dunbarr the XVIII day of Feverer. Le count de la Marche d'Escoce (Directed) An tres excellent et tres puissant et tres noble prince le Roy d'Engelterre.

Another letter (Pink., appendix VIII) has the date 1405. It was written by 'James of Douglas, Warden of the Marches,' probably to Henry IV. Vesp., F. VI, f. 17.

He Excellent and rycht mychty prynce likkit to your henes to wyte me haff resavit your honorabill lettres to me send be a Reverend Fadir the Abbot of Calkow contenand that it is well knawin that trewis war tane and sworn a late betwix the rewmys of Ingland and Scotland ; and forthi yhu mervalis gretly that my men be my wille and assent has byrnde the toun of Berwike and in other certayne places wythin the rewme of Inglande ; in brekyng fully the saide trewis in my defaute and nothing in yhours, and als agayn my ath made in streynthing of the same trewis ; of the quhilke yhe desire rather that amends war made than ony mar harme war done, tharfor requirande me to do yhou to wyte qwethir I will gere refourme the sayde attemptats, or qwat my full will be to do o that mater. Anente the qwhilkis Hee and Excellent Prynce qwhor yhe say yhu mervalys gretly that my men be my will and assent has brenned the town of Berwik, the qwhilk is wythin Scotlande and other places in Inglande in brekyng fully of the sayde trewis I understand that giff yhour hee excellent war clerly enfourmyte of the brennyng slachtyr and takyng of prisoners and Scottis schippis, that is done be yhour men to Scottysmen within the saide trewis in divers places of Scotlande befor the brynnyng of Berwike ; the qwilke skathis our lege lorde the kyng and his lieges has paciently tholyte in the kepyng of the saide trewis, and chargit me til ask, and ger be askyte be me deputs redress tharof ; the qwhilk my deputs has askyte at dayis of marche, and nane has gotyne ; methink o resoune yhe sulde erar put blame and punitioun to the doarys of

the saide trespas, done agayn the trewis in swilke maner, and callys thaim rather brekars of the trew than me that has tholyte sa mikylle injur so lang and nane amends gottyn. Bot it is like that the gret attemptats that yhour men dois agayn the trewis, is well conceylte fra yhour audience, for I suppos and yhe wist it, yhe wald of yhour he worschipe ger it be refourmyte and redressit, as the cause requiryt. For lang befor the brynnung of Berwike, yhour men cam within our lorde the kyngs awin propir lande of Arane, and Ile Malasch, and til his castell of Brathwike and brynt his chapelle, and other diverse places of that land; and tuke and rawnsounde the capitaine of the sayde castell and slow his sone and heryde al that thai mycht ourtake. And alsua thai hade takyne befor that tym certayn Scotts schippis chargit with marchandis, and the marchands tharof, in the contrer of the said trewis: of the quhilk reparacioun and redress has bene askyte befor the brynnung of Berwike that stands in Scotlande the qwhilk toun yhe call yhouris in yhour saide lettres and certayne lands of yhouris wythin Englande was brende be my men my will and my assent brekkand the trewis in my defaute and nocht in yhouris and in the contrar of my athe: thar to I ansuer in this maner that qwhat tyme it like to our lege lorde the kyng and to yhour hee excellent to ordane redress to made be his commissionaris, and yhouris, of all attemptats done of aythir syde, I sall with the help of Gode make it well kennyt, that I haff trewly keptit my athe and the trewis, as afferys to me of resoun. And quhaever enfourmyt yhour excellence that I hade brokyn my athe it hade bene fayrar for him to haffe sende me that querell into wyrt, under his selle, and till haff tane answere greable, as afferit to him under my scelle agayne than sua untrewly in my absence till enfourme yhour excellence: for I trayft he has saide mar in my absence than he dar awow in my presens for nocht displece yhour honour, learys sulde be lytill alowit wyth ony sic worshipful kyng as yhe ar. And quhar yhe say in yhoure sayde lettres that yhe desir rather amends of attemptats done agayn trewis, than ony mar harme war done tharfor to that I answer in this maner, that qwhen yhour saide lettres came to me our lorde the kyng was passit in the north partis of Scotlande, and I with al gudly hast sende yhour letteris til him, of the quhilk at the makying of thir letteris I hade nane answer. Never the latt qwhen I hade undirstandyne yhour

lettres. I gert cry in diverse placis the trewis to be kepit, tray-stand that it suld be sua done on the tother part, aftyr the qwhilk crye yhour men of Inglande hes rydyne in Scotland wyth gret company like in fere of were; and has heryde Lawadyr dalle Tewy dalle and a part of Etryke forest the qwhilke at the making of thir letteris was tholyt, and nocht don tharfor. And foringiffe the trewis sall stande, it lyes to yhour heenes to se for chastying of trespassouris, and for amends of attemptats done and that be tym: and qwhat the (yhe?) wochesaff of your heenes to do twychand the forsayde materis, yhe wolde certify me be your lettres wyth al gudly hast. Hee almychty prynce the haly gast yow haff in his yhemisal evirmar Wyrtyyn at Eddynburgh under my selle the xxvi day of July.

Jamis of Douglas wardane of the marche (Directed To ane excellent and a mychty prynce, kyng of Inglande)

These specimens indicate that the language of early Scottish prose while admitting much liberty in the representation of sounds was really uniform. Differences in spelling are too many and too irregular to be classed as separate developments, and it is quite evident that at the beginning of the fifteenth century Scottish prose was in such a mobile condition that sound- and grammatical changes, naturally a century apart, are found almost side by side.

The absence of a body of literary prose of this time gives additional value to these rather crude specimens. The earlier poets cannot furnish many criteria for prose: English influence, the uniformity resulting from rhyme and metre, and artful diction induced in the poetry serious departures from the simple expression of prose. The use of 'bestial' in poetry in the place of the more homely 'catale' of the 'Acts' suggests a difference in vocabulary, though in this connection one should not confuse many romance words which appear full grown in the early prose, and which correspond to the Middle English forms further south. Cf. 'chevissance,' 'costage' 'excusateoun' 'exerce,' 'exercitioun' 'joiss' 'mistir' 'plesance,' &c. Such words may be regarded as the natural inheritance from the Old French, and should be clearly distinguished from those French words adopted at a later time, when printed French books appeared in the country and served a double purpose in the original form and in the Scotch translations which were made.

## II.

### TRANSLATIONS FROM THE FRENCH.

The first prose work in Scottish, so far discovered, which may easily be called literature is a translation from the French. It is unnecessary to dwell here upon the many causes which lead to the ready acceptance of French books in Scotland soon after the first practice of printing in France. Belief in an old alliance which tradition traced back to Charlemagne, political and social confederation for mutual good, community of citizenship and countless other potent and subtle causes made early adaptation of French works one of many natural results.<sup>1</sup>

The first translation from the French which has been preserved is the manuscript copy of Sir Gilbert Hay's version of Bonnet's<sup>2</sup> *L'arbre de Batailles*, or the *Buke of Batailles*. This MS. is now in the Library at Abbotsford, and is marked Z, I. For convenience, it may be called 'AH.' It was first noticed by Dr. Mackenzie, in the third volume of 'The Lives and Characters of the most Eminent Writers of the Scots Nation,' &c., which appeared in 1722. The MS. was in his possession at this time, and he gave a detailed account of its contents. The next notice of 'AH' which has been found is in Pinkerton's reference to Mackenzie in 1797, *Hist. of Scotland*, II, p. 421. Next, in 1838, the following title appeared in the 'Catalogue of the Library at Abbotsford,' p. 232 :

<sup>1</sup> v. Burton, *History of Scotland* ; Michel, *Les Ecosais en France, les Francais en Ecosse*. In 'A critical Enquiry into the Scottish Language' Michel attributed many French characteristics to the Scottish which the more southern dialects of English had in common.

<sup>2</sup> "The author, Honoré Bonnet, was a monk in the Abbey of Ile-Barbe of Lyons and Prior of Salon in Provence. His name, which is often given as Bonnor or Bonhor or Bonnoz, has been ascertained from an examination of nearly twenty ancient manuscripts in the Royal Library at Paris to have been Bonnet. A Provençal translation, made in the year 1429 by order of Mossen Ramon de Cudes, is preserved in the same collection, No. 7450; and also a translation in the Catalan dialect, MS. No. 7807. There is some indication of Caxton having translated in part the work in the year 1490, but no copy is known to exist. (See Lewis's *Life of Caxton*, p. 81.) The original work was first printed at Lyons, by Barthelemy Buyer, 1447, folio; and another edition at Lyons in 1481. It was again printed at Paris by Anthoine Verard, 1493, folio, of which there is, in the Royal Library at Paris, a magnificent copy printed upon Vellum, with illustrations,—the first

‘Here begynnys the buke callit the Buke of the Law of Armys the quhilk was compilit be a notable man, Doctour in Decrees, callit Bennet prioure of Sallan, &c., MS. fol.’

This MS. Dr. Laing, Secretary of the Abbotsford Club, rightly thought to be that mentioned by Mackensie, and in 1847 the Club printed a volume, edited by Dr. Laing, giving full description and extracts from it. The student is indebted to this volume for all the information regarding ‘AH’ that has thus far been printed.

“... we can only conjecture that it [AH] may have fallen into Sir Walter Scott’s hands, either by purchase at a sale, or as a present from some of his friends. But we may conclude that had Sir Walter been aware of the peculiar interest and curiosity of the volume, he would have pointed it out, and some use of it have been made during the latter period of his life.”

“The Manuscript in question is a large folio of 132 leaves on lombard paper, written in a very distinct hand about the end of the 15th Century. It is in the original[?] wooden boards in perfect preservation, and contains, repeated in different parts of the volume, autograph signatures of ‘W. Sinclair of Roislin,’ ‘Oliver Sinclair of Rosling, Knycht,’ and ‘W. Sinclair of Roislin, Knecht.’”

“It consists of three distinct works:—

I. The Buke of Batailles.

II. The Buke of the Order of Knychthede.

representing Charles VIII receiving the work from Verard the printer, who, as already noticed, had substituted the name of the reigning Monarch instead of Charles VI of France, at whose request the work was originally written. Van Proep describes this copy (Catal. des Livres imprimés sur Vêlin. d. l. Bibl. du Roi I, iii, p. 81) and mentions two other copies on Vellum, but neither of them perfect. The discrepancies existing between the early manuscript and printed copies will readily explain the variations, which will be obvious upon comparing Sir Gilbert Hay’s translation with the preceding extracts [from the French]. It must also be confessed that to a modern reader Bonnet’s Book of Battles is sufficiently tedious and uninteresting; and it need excite no surprise that the author, as he admits in his concluding chapter, having wearied himself with his task, broke off abruptly—‘Mais pour le present je ne pense plus riens a escrire en ce Livre, car j’en suis tout lasse,’ or, as Sir Gilbert Hay, in his translation, expresses it,—‘But in gude faith the Doctour sais, that he was *sa irkit of writynng*, that he mycht nocht as now, na mare tak on hand as to put in this buke of Bataillis.’” The Buk of the Order of Knychthede p. xiv.

III. The Buke of the Governance of Princes." (Buk of the Order of K., p. ix.)

No. II, or 'The Buke of the Order of Knychthede,' was the only one of the three which was printed entire in the Abbotsford Club volume, edited by Dr. Laing.<sup>1</sup>

Sir Gilbert Hay, after taking a master's degree at the University of St. Andrews in 1419, went to France, where he remained twenty-four years, according to the Taymouth MS., in the service of the King of France. In addition to the family history given by Laing, the following reference should be added, which is found in a portion of the old French poem, quoted by Michel<sup>2</sup> in another connection:

"Le comte de Mar prit part avec son monde à la bataille d'Othée en Hasbain, ou bataille de Liège, qui eut lieu le 23 Septembre 1407. L'auteur d'un ancien poème français, composé sur cet événement, se plaît à mentionner

Et le bon conte de Namur  
Cil de Maire et maint Escossays

<sup>1</sup>As only a few copies of this work were printed it may be well to indicate the contents of the volume, which is now difficult to obtain. The Preface gives: I, Mackensie's account of the MS. and an extract from the French version of the *Larbre de Batailles* (Lyons' edition). II, A description of the *Buke of the Order of Knychthede*, with extracts from Caxton's edition of the same work (*Le Livre de l'Ordre de Chevalrie*). III, A brief note on the last portion of the MS. 'AH,' *The Buke of the Governance of Princes*, a translation of the *Secretum Secretorum* falsely attributed to Aristotle. "Its popularity was so great that not less than nine English translations and six French translations are known. It is probable that Sir Gilbert Hay made his version from one of the French translations current in the Fifteenth Century," p. xxii. Then follows an account of the Hays, with what is known of Sir Gilbert Hay. Next (p. 1) (MS., fol. 85-103) comes the Prologus to the *Buke of the Order of Knychthede* and (pp. 2-61) the *Buke* itself. In the Appendix immediately following are: I, Extracts from the *Buke of the Lawe of Armys* [*Buke of Batailles*], Introduction, 'Rubryis' MS., fol. 1 to part I; Prologus (MS., fol. 2) and a few lines from the 'Primum Capitulum' (MS., fol. 26); 'Rubryis' to Book Second (MS., fol. 11); the headings of the chapters in Part III (MS., fol. 21, b); the Table of the fourth Part (MS., fol. 26); Cap. cxxxviii, &c. (fol. 77, b seq.); fols. 81, b; 83, b; 84, b. Appendix II, MS., fol. 103, b; Table of the '*Buke of Governance of Princis*,' Prologus (pp. 92-93); 'Alexander's letter to Aristotle and Answer,' and finally Capitulum xl, fol. 129, the end of the *Buk*.

<sup>2</sup> Les Ecossais en France, etc., Vol. I, p. 110-111.

Il ajoute :

De ceux qui la furent venu  
Des nobles Escossais y fu  
En cestuy jour, que bien le sçay  
Lors Messire Guillaume Hay ;  
Messire Jacques Scringour  
Fut en la bataille ce jour,  
.  
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.  
.  
.  
.  
Nouveaux chevaliers Escossays  
Furent ce jour, j'en sçay la vois,  
Pour leur prouesse, en grant renom  
Sire Alexandre en son droit nom  
De Commech, qui ot cuer entier,  
Ce jour y fut fait chevalier.  
Et Messire Andrieu Stievart  
Fu chevalier de belle part  
De Hay Sire Guillebert  
Fut ce jour en armes appert  
Com bon et hardi combattant.

(Memoires pour servir a l'histoire de France et de Bourgoyne, etc., etc., rec. par D. des Salles et publ. par de la Barre, Paris, 1729 in 4°. Tome I, p. 373, col. I.)”

The date of Hay's death is not known. “The Taymouth MS. is transcribed from another copy which had apparently been written in the year 1493 ; and the mode in which the Translator is alluded to indicates that he had been dead for several years.” Buk Knycht., p. XXIX.

An idea of the influence exerted by the French original upon the *Buke of Bataillis*, with regard to form and vocabulary, may be had in some degree from a study of Hay's version and the French of the Lyons' edition. Extracts are placed side by side, taken from the Abbotsford vol., p. XI.

Fol. 1. Here begynnys the Buke callit *The Buke of the Lawe of Armys*, the quhilk was compilit be a notable man, Doctour in Decreis callit *Bonnet Prioure of Sallon*,—the quhilk quhen it was maid, callit it *The Fleure of Bataillis*, or the Tree ; into the quhilk Buke thare salbe fourre partis efter as the Rybryis schawis. The first part salbe, of the Tribulacioun of the Kirk before the Nauitee of Christe. The second party salbe, of the Tribulaciouns and



Destruction of the Four Principale Realmes grettest of the Warld, &c. The thrid salbe, of Bataillis in specialitee.

Fol. 2. Prologus. To the haly Croune of Frannee, in the quhilk this day regnys Charles the Sext of that name, the quhilk is lufit and redoubit oure all the warld be the ordynaunce of God ; till him be gevin honoure, lose, and glore, abune all erdely Lordschippis : maist hye Prince I am callit, be my richt name, Bonnet Prioure of Sallon, Doctoure in Decreis. The quhilk I have had mony smale thoughtis and gude will to mak sum Buke ; First, in the honoure of God, and of his suete moder, and of your hye Lordschip. And the resouns quhy I have ondertane to mak this Buke are gude yneuch, as semys me. And first and formast for quhy ? That the state of Haly Kirk is in sik tribulacioun that bot gif God oure Lorde set sum gude remede, the quhilk was wont till mak gude chevisaunce and gude end, in that mater be the Brether of the Faith, auentureris of the Christin Faith, I can se be na way that it may wele be, bot gif thare be sum gudely way of accordaunce fundyn and sone. The Secund cause is and resoun, For I se all Cristyndome sa grevit, and stroublit of weris, discensiouns thiftis, and reveryis, haterentis, and envyes, that men kennys almaist na realme in Cristyndome bot it is in were. Thrid resone is, for quhy ? That the land of Provençe of quhilk I am borne and vp brocht is sa turnyt now for the renewing of new Lordschip, and for diverse opyniouns that ar amang Lordis and the Communitis, that with grete payne may ony wyse man here it be rehersit, the mekle sorowe that the Commouns sustenis for sik debatis. The Ferde resoun, for quhy ? That mony notable clerkis, the quhilkis wenys thai vnderstand wele the glosyng of ancien Prophecies, sais, that it sulde be ane of the hie lignie of Fraunce the quhilk suld sett remede in all this thingis and put this trauilland warld in pes and rest, that now is put in grete pestilence. And for this cause my curage has gevin me to mak sum newing of thing till enfourme your youthhede of mony syndry knaulagis of Haly wrytt, sa that your curage suld be movit the mare to help to sett remede in the Haly Cristyn faith, the quhilk is in poynt of perising, and geve it socour ; and to geve you corage for to do in sik manere, that the Prophecies, the quhilkis are presumyt to be vnderstandin in your persone maist worthy, be verifyit in your maist noble and worthy

Princehede, throu your notable and haly werkis: And forthy I mak your Hieres hertly request and supplicacioun, that nathing that I sall put in this Buke ge disprise, na lightly, ffor all that I here say takis foundement of Haly Writt, and of the Decreis and Lawis Cannon and Civile, and Philosophy Naturale, that is Natural Resoun. The quhilk Buke sal be callit *The Floure of Bataillis, or the Tree*: And syne mon I pas to my werk; and tharefore is thare cummyn to me sik ane ymaginacioun, that I will ger mak a Tree, the quhilk sall bere bot fruyte of sorowe; as men may se, that all the persecuciouns of the Kirk and contreis beris bot fruyte of dule and diseise; departit in Four Partis, as is before said, on the quhilkis Foure Partis the divisioun of oure Buke sal be foundit . . . (end) And suppose I mycht git compile and gader togedir mony Vertues and properteis that suld be in a Prince, and als mony thingis of mys gouernance that he suld eschew: Bot in gude faith the Doctour sais, that he was sa irkit of wryting, that he mycht nocht as now na mare tak on hand as to put in this Buke of Bataillis; bot and God geve him lyve dayes, he sais, in his conclusioun of his Buke, he sall compile a Trety of properteis of Gude condiciouns bathe of Temparale men and of men of Kirk, that sall be gude and prouffitable for all men, that on lukis bathe langand the governance of thair office and digniteis, as may be compylit be the foundement of Haly Writt, and efter the Lawis writtyn. Bot here he prayis to God mekely that he send grace and gude gouernaunce to the Prince that he has compilit this wrytt for, and maid this Buke till, that is to say King Philip of Fraunce,<sup>1</sup> and geve him grace sa to reule his realme, and his ryall magestee and estate, that God be payit of him, and bring him till his euerlastand joye of Paradise at his ending, and all his frendis and wele willaris.

Cy commence le prologue du livre intitule l'arbre des Batailles faict et compose par vng venerable et religieuse personne Maistre Honnore Bonhor, Prieur de Salon, et Docteur en Decret. . . .

<sup>1</sup> The name of the Sovereign, to whom the work was dedicated at different times, was changed to suit the occasion. "According to M. Paulin Paris, the original author's dedication refers to the years 1384-1390. (Les manuscrits Francois de la Biblioteque du Roi: par A. Paulin Paris, Vol. V, p. 103.)" Abbotsford vol. p. xiii.

A la saintet couronne de France en laquelle aujourdhy par lordonnance de Dieu regne Charles cinquesme de ce nom tres bien ayme et par tout le monde redoubte soit donne loz gloire et victoire sur toutes seigneuries terriennes. Tres hault Prince, ie suis nomme par mon droict nom *Honnore Bonhor* de Salon, indigne docteur en decret, souuenteffoys ay en lu volente de faire et compiller, selon mon debile entendement, ce petit liure a lhonneur de Dieu primierement de sa benoiste Mere, et de vostre haulte seigneurie Sire. Et les raisons qui mont esmeu et incite a ce faire sont assez bonnes, selon mon advis.—Premierement, lestat de Sainte Eglise est en telle tribulation et perplexite que si Dieu ny met remede et vostre seigneurie, laquelle est accoustumee de acheuer et mettre affin les chieres adventures de la foy Crestienne, il ne voy voye ne chemin comme y puisse estre mise bonne ne briefue accordance.—La Deuxieme raison si est, que voyez toute crestiente si greuee de guerres, haynes, larrecins et discentions que a grant peine peut on nommer vng petit pays soit une conte on duche qui bien soyt en paix.—La Tierce raison si est, que la terre de Prouence dont ie suis ne et nourry est de present tellement atournee par le changement de noble seigneurie et pour les diversitez doppinions qui sont entre les nobles et le communes que a grant paine pourroit homme tant fust saige racompter les maulx que les gens du pays pour ce debat seuffrent.—La Quarte raison est, que ie considere choses dictes de grans clerez modernes que bien pensent entendre les Prophecies anciennes parlans des maulx presens et dient que vng de la haulte lignee de France doit estre celluy par qui les remedes seront donnez au siecle travaillant et mis en grande pestilance pour lesquelles raisons me suis efforce de faire aulcune chose nouuelle affin que vostre ieunesse soit informee de plusieurs entendemens de la sainte escripture et aussi affin que sainte foy de Iesu Crist et faire que les Prophecies qui entendent de vostre digne personne et escritures soyent verifiez par voz bonne œuures si vous supplie mon tres hault Seigneur que rien que ie die en ce liure ne vueillez mesprier car ce que iay mis en luy prent son fondement sus le droit canon et civil et sus naturelle philosophie, qui nest autre chose que raison de nature et aura nom cestuy livre *Larbre des Batailles* pour fournir le quel livre me fault trouver matiere condecence a ce faire, si mest venu en ymaginacion faire vng Arbre de Dueill, au dessus duquel pourrez veoir les

regnes de Sainct Eglise en grandes et merueilleuses tribulations. Apres pourrez veoir la grande discention qui est auioirdhuy entre les Roys et Princes Crestiens. Pareillement pourrez veoir le grande discention et mumure qui est entre les Nobles et les Communes. Et deviseray mon Liure en quatre parties principales ainsi comme a plain est cy apres declaire dont en la premiere partie sera faicte mention des tribulations de léglise jadis passees devant l'advenement de Jesu Christ, nostre Sauveur. En la seconde partie sera traicte de la destruction des quatre grans royaulmes jadis. En la tierce partie sera traicte des batailles en general. En la quarte partie sera dit du batailles en speciale . . . (end) Moult daultres belles et notables choses appartenant a tous bons Roys et Princes pourroye encores dire et assez trouuer. Mais pour le present ie ne pense plus riens a escrire en ce liure, car ien suis tout lasse. Toutefois le temps viendra si Dieu me donne espace de viure que ie escripray aulcunes choses sur les contenances de toutes personnes soyent ecclesiasticques on seculiers, hommes on femmes ce qui leur est necessaire dauoir au plus pres que ie pourray de la sainte Escripiture et du droict escript selon les dignites de leur offices. Et ie prie humblement et deuotement a nostre Seigneur, que par sa sainte grace vous doint en telle maniere gouverner vostre Royaulme et la Sainte Couronne quil vous a commise que apres la fin il vous maine et conduyse a la sainte gloire de Paradis qui iamais ne fauldra. Amen.

These extracts show that Hay was little constrained by the language of the original in giving the sense. Such words as 'remede,' 'chevisance,' 'travilland' were common in Scottish long before Hay's translation; but the real amount of borrowing and influence will doubtless be evident soon after the publication of *The Buke of Bataillis* by the Scottish Text Society, for which it is now in preparation.

The following representative extracts may be inserted.

Here speris the Doctour quhat armes ar maist noble be the colouris, and quhat colouris ar maist noble in armis.

Bot be cause the Princis and Lordis beris armes of mare noblesse na otheris; and that the Doctouris has spokyn in othir tymes, and othir placis of Princis armes, and of thair baneris, quharefore I

will nocht here mak questioun, na dout the quhilk armes are the maist nobles and the maist ryches ; ffor quhy, that alwayis comparison is odious (“Car toutes comparaisons sont haynneuses”) But it plesis me to speke sum thing of Colouris of Armes, and of thair descripciouns. And as the Doctour sais, that sum of thame is more noble na otheris, for the representatioun that thai mak be thair propre nature, and be this cause, we say, that colour of Gold is the maist noble colour that is in this warld here ; and the resoun quhy is, ffor be the nature of gold it is clere and schynand, rich, vertuovse, and confortand ; ffor oure Maisteris Doctouris, and Medicinaris and Philosophouris, gevis the gold in syndry wise in medicine to folk that ar debiletez in thair nature, that thai can get nane othir remede for souerane remede ; and is lyknyt be his condicioun and nature to the Soune, the quhilk is the maist noble planet that euer God maid, and beris lycht till all the warld, and encresement and confourt till all natural creaturis. And the lawis sais, that of all thinge that God maid, the claritee and licht is the maist noble ; and, tharefore, the Haly Wrytt sais, that the sanctis in hevyn schynis as the soune ; and alsua oure Soverane Lord, quhen he transfigurit him before his Apostlis, his visage apperit to thame as the soune in someris day brycht : And because the Gold is comperit to the Soune as the propre effect of the Soune, the quhilk is king and lord of all planetis, and alsua is figurit be Haly Wrytt be the visage of our Lord, and be that cause the ancien Princis, in ald lawis of Armes, ordanyt that na noble man suld bere gold in his armes, bot Princis, Kingis, and Emperouris, for the nobless of him : And thus conclude we, that the maist noble coloure is Gold. And suppose sum ignorant men wald say, gold is metall, and na coloure, that makis nocht ; ffor largely to tak colouris, be all our Maisteris and Philosophouris, all metallis, all low and lychtnes, that lemys and gevis sycht to the eynes is of the nature of colouris.

The Secound coloure that is in Armoury, is callit be thir maisteris Purpre ; the quhilk he callis here Rede colour ; the quhilk representis the lowe of Fyre, the quhilk is the maist clere, and lycht efter the soune, and the maist noble of all the elementis ; the quhilk colour suld haue in armes were, bot anerly Kingis or Princis, be the alde custumes of Princis and Faderis of Armes, of alde tymes.

The Thrid colour is Asure ; the quhilk, be his figure and coloure, representis the Ayer, the quhilk is next the fyre, the maist noble element ; ffor it is in itself lignie and sutile, and penetratyf, ressavand the lycht throu it, and hable till ressane all influences of the planetis and of the hevynly constellaciones of nature, throw the quhilkis all this Erde is governyt, and all Nature ; and sum callis the coloure Azure, hafand the colour of the firmament, sayand, that Asure is a hevynly colour, it makis not : ffor thare is bot lytill betuene, nocht than the lift is nocht colourit.

Ane othir coloure is the Quhyte colour, the quhilk next the Asure is the maist noble coloure that was countit in Armoury in ancien cronikis, because that it is maist nere the nature of lycht and claritee ; and for the clereness of it, it is signifyit to the vertu of puritee, of clenesse and innocence, and sympilness : And as to that the Holy Scripture sais, that the clethingis of Jhesu Christ apperit ay to thame of quhite colour of snaw ; and this coloure of quhite representis the water, the quhilk efter the Aire is the maist noble element.

Ane othir colour is in Armoury that callit is Blak ; the quhilk representis the Erde, and be it is signifyit dolour, ffor it is ferrest fra lichtness and claritee that betakenis blythnes, and cummys nerest to myrknesse ; and tharefore quhen ony peple or folk will mak dule for ony of thair frendis dede, or in ony bataill tynt, or othir grete misaventure, men makis thair dule in that clething ; ffor it is the lawest of degree of all the four elementis, and is signifyit be it humilitee. And for that cause, in takenyng of humilitee, the religiouse men ar cled in blak wede, commonly to schawe mekeness in hert, and put away all lust of Vanitee, and vane glore warldly. (Appendix, pp. 81-83.)

Here declaris the Doctour ane othir Reugle and doctryne apoun the governaunce of close Bataill.

That nocht gaynstandand that be malice or hete, woddnes, ramage or pride orguilluose, or be inclinacioun, auaricius appellacioun of bataill be maid, and the party ressauis the gage of bataill, the Prince suld be wisely in his audience geving, and of gude thole mudenes, to suetely here the cause that the appelloure chalangis the appelland of ; and wele copy and vnderstand all the mater before, or he geve his consent, and gif the cause movis of dett or

of fede, or of ony othir singular cause he suld call counsale, and inquere how and quhare, and in quhat place and for quhat cause and of quhat tyme, and all the circumstancis, and gif the Prince may be ony way get knowlage of other pruf or witnes, or othir pruf be instrument or obligacioun, or to draw out of the party be inquisicioun or confessioun, and othir maner of prufis. And gif the Prince may persauie be ony way that ony knaulage may be gottyn be ony way of the world, the Prince suld nocht thole passe bataill. Or suppose na witnes war, bot anerly that the party allegit witnes, ȝit suld he assigne day till produce thai prufis before the justice ordinaire; ffor quhen pruf is offerit, or allegit, all wage of bataill is slokit, be all lawis of canon and of civile.

To the Thrid reugle and doctrine of battaill in Listis is this: That the Prince in na case suld juge bataill to be, bot quhare thare is na prufis allegit na producit, and that is law comman and resonable custum; bot he sall suere, be his faith, that his cause can nocht be prufit in na way bot be his persoun.

The Ferd doctrine teching and reugle of bataill in barrieris is: That a Prince suld haue gude counsale to ger propone before him the maner of the appellacioun, and the cause and occasioun that the appellour allegis in his appellacioun, and gif him thinkis resounable the cause of the appellacioun, he suld admytt thame to the bataill; and gif thai war nocht resounable, sloke it out, and geue na consent tharetill, na tholaunce; ffor gif fulis, throu thair foly, be sadft that thai wage bataill for lytill, evyn as to say, Quethir growis better wynnys in Burgoyne or in Gascoyne? or Quethir is thare fairar ladyes in Florence or in Barsalonge? or, In quhat countree is thare best men of armes, in France or in Lombardy? And the ta-part cast gage of bataill on the tothir, apoun thir grete weris of lawe; or to say, his hors runnys fastar na his; or, That his hors is better na his, or syk lyke thing; or, That he lufis his lady better na he dois; or, That he dancis or syngis better na he dois, or for syk maner tromperys; a Prince suld nocht juge na thole bataill to be, bot he suld, before the peple, in presence of his counsall, punyse syk trompours, that otheris take ensample thareby in tyme to cum to gage bataill for sik fule causis.

The Fyft doctrine is : That for na wordis of hete, and sudane ire of chaude cole or of chaude mellencoly, na injuriouse langage, thare suld na Prince thole na consent gage of bataill in listis to pas ; for wordis may be said for hete, or for brethe, or for gude wyne, or othir wayis in lichtness that sone efter he may repent : bot and the wordis be injurious and dishonourable, crimynous or defamatouris, and he persevere in his outrageous langage, and lykis nocht till amend ; bot stand in his purpos efter that the ire salbe past, ellis the Prince suld nocht juge bataill to be : ffor gif he dois, he jugis again the Lawis written opynly.

The Sext Doctrine is : That because thare is sum men sa hichty hautayn and orguillous and full of surquedry, that thai have na traist, na fyaunce in God na his Sainctis, bot in thair awin propre pyth and vertu of corps and strenth of membris ; na has na will ; na thocht on God to mend thair mysdedis ; na to tak counsale at gude men of lyf and deuocion ; na to mak gude ordynaunce for thameself Suppose the Prince suld the bataill to be tholit to be done to the vtterest ; And tharefore the King suld assigne certane day of bataill and houre to the Appelloure, and he suld ger schaw him the grete perile in the quhilk he puttis him in baith of body and of saule, and monyse him, and exhort him on Goddis behalf, that all before that ever he schape him for horse, harnais, na othir provision for the bataill, that first he schape him to se for a gude Confessour, that be a gude wise clerke, wele letterit and wele instruct in the faith, and of gude counsale and conscience, that he may discharge his conscience to, and schrive him wele, and put his saule first in gude estate, and his gude in ordinance, as he wald mak his testament to ga to dede, and as wyse man aw to do : Quhilk gif he dois nocht, the King suld say him “ That sen he traistit nocht in Goddis help, he suld nocht traist that he war a gude Cristyn man, and that he suld have the lesse favour of him ; ” and than suld he ordane him a term within quhilk he suld put him in gude estate of the saule to Godwart, and syne spere, how thai had done at thair Confessoure, and sa suld he do to the tothir : And this is a takyn that a Prince is wyse, and lufis wele God, that begynnys at him to dispone all his governance and dedis.

Appendix, pp. 84–86.



*The Buke of the Order of Knychthede.*

This book, No. II, in the Hay MSS. was one of many of the time professing to instruct in knightly virtues. It has a double interest from the close analogy existing between it and Caxton's *Book of the Ordre of Chyvalry or Knychthode*, which forms a southern and almost contemporaneous version of the same work translated by Hay. "The original work, entitled *Le Livre de l'Ordre de Chevalrie*, is anonymous. A copy of it is contained in a magnificent volume, written upon vellum, and illuminated for Henry VII of England, which forms part of the Royal Collection of Manuscripts in the British Museum (MSS. Bibl. Reg., 14 E, II, Art. 5). The work also exists in a printed form, although now of great rarity."<sup>1</sup> Abbots. Club vol., p. xv.

Caxton's translation, undated, "must have been printed about the year 1484, and his edition is acknowledged to be one of the rarest specimens of his press." *Ib.* His translation is the better of the two, being written in a simpler narrative style and quite free from the repetitions and involutions which characterize Hay's prose. The two versions are sufficiently alike, however, to indicate their common origin. There is no evidence to show that there is any immediate connection between these works and the *Boke of St. Albans* by Dame Juliana Berners, 1483, Part III of which contains a general account of Knighthood and of the tinctures and chargings used in Heraldry. Unlike Dame Berners' work there is no such special treatment of arms and blasonry in the *Buke of the Order of Knychthede*.

The following chapter may be considered typical of the whole. Here begynys the first chapitre of the Buke.

The Autoure of this Buke rehersis, How it befell in a cuntree quhare a worthy, wyse, anciene Knycht, that lang tyme had bene in the exercisioun of honourable weris, the quhilk, be the noblesse and the force of his noble and hie curage, throu gret wisdom and hye gouernaunce, had auenturit his persone to pursue and

<sup>1</sup>"L'Ordre de Chevallrie, auquel est contenue la maniere comment en doit, faire les chevaliers, et de l'honneur qui a eux appartient, et de la dignité d'iceulx; compose par ung chevalier, lequel en sa viellesse fut Hermite." Lyon, Vincent de Portunaris de Trine, 1510, fol., bl. l.

mantene justis, tournaymentis, and weris, and throu his gude fortune and prowess, hod optenyt grete honoure and glore, and victorious loving: And efter all this, as course of nature gevis till all mankynde, and othir creaturis that in this erde lyfe beris, he, considerand that this lyf mycht nocht langsumly endure, bot it behovit nedely tak ane end; for to make gude end, and conclusioun to godwart, and to lyve out of the sight of tribulacioun and vexacioun of the warld, and to be at his deuocioun in contempla-cioun of his creatour; for he sawe that God had gevin him largely of his grace, sufficiandly of warldly honoure and glore; and that nature in him was sa faillid throu febilness, that he had nouthir force, na vertu, na powere to welde armes as he was wount; and had deuisit and departit his landis, gudis, and heritagis till his barnis, and ordanyt for ale his thingis fynablie, and chesit to mak his habitacioun in a thik wod of a wilderness, in a faire hauleh, inclosit within wateris, and grete treis bath of fruytis and of diners naturis, and of herbes, sa that he was content to flee the sycht and the repaire of the warld: sa that nane had sene him sa worthily, honestly, and honourably, had euir hidertillis manetenyt sa worthy and hye Ordere in all worschip, but lak or dishonestee of his cors, suld se him in his failit elde, for fault of powere of naturall strenth, in syk febilness that he mycht nocht oure him self to gouerne his persone in syk worschip of honestee as he was wount, that filth of elde schamyt him nocht, quhill he had geldit to God and nature his naturale dewiteis: And als, that the vexacioun of the warld gert him nocht abstrak his inclinacioun of contemplacioun and devocioun fra the contynuale remembraunce that he was determynit in his hert to have of the glorious passioun of Crist, the quhilk he traistit, suld be a targe betuix him and the inymy of mankynde, in the day of the dredefull jugement, to sauf him fra the terrible paynis of hell. And as he was walkand a day in ane herbare allane, in his deuocioun, in a thik busk of the wod, quhare there was a grete tree in the myddis, chargit full of fair fruytis in the sesoun, the quhilkis he gaderit and held to refresch him with be tymes: And in that herbare, vnder the sayde fruyte tree, thare was a faire well of water of noble nature, quhilk in divers stryndis past throu the herber till othir gardynnis and preaux, till watere thame in somere for more gudely growth; in

the quhilk herbare the noble Knycht was custumyt to mak his dayly repaire; and thare in his contemplacioun, he maid his secrete orisoun, zeldand gracis and lovingis to almychty God, the makare of the mekle honour and worschip that he had grantit him in this warld, euermare day of his lyf, to contynew in sik douocioun and contemplacioun perpetuall.

And sa befell that in the samyn tyme, befell a grete stormy wyntere, in the quhilk a worthy king had sett and ordanyt a grete assemblee of Lordis and Knychtis and worthy men, for hie, grete, and honourable actis to be done, in the quhilkis mony zong bachelere squieris proposit thame to be maid knychtis of that worthy kingis hand: And sa befell that ane of the lordis sonis of that contree, quhilk had sett his entent and purpose to mak the ordre of knyght-hede at the said assemblee, and as it hapnyt him to pas throu that contree quhare the noble anciene knycht had maid his habitacioun; and forthy that the said Squier quhilk was ferre trauailit, for irkness of trauale and waking to cum to the semblee, he slepit apon his palfray, and wauerit fra his folk out of the hie way, sa that he become properly in the samyn forrest and wilderness quhare the knycht was induelland; and to the samyn fontayn, in the herbere thare, quhare the knycht was at his contemplacioun, in the samyn tyme come [the palfray] thare to drink at the well. And als sone as that the knycht sawe in syk a kynde sik ane honourable man, he left his contemplacioun, and tũke out a Buke of his bosum and began to rede. And sone quhen the pallefray put down his hede in the well for to drynk the Squiere began to wakyn of his slepe, and wist nocht quhare he was becumyn, and than rais vp the worthy anciene knycht, and comit till him to spere of his effere; the quhilk quhen the zong Squiere saw sa hare and alde, with a lang berde, and langar syde hangand hare, quhite as the snawe, with a syde gown, alde and bare of wolles, and evill farand, with mony holis ryvin and rent, for grete age of wering, and for the grete waking and deuocioun, and penitence that he had tane till him in that desert, and the greting that he maid for his trespass of youthhede, he was worthin rycht lene, pale and wan, with hevy chere, and holl eyne, sa that be semblance his behalding was lyke to be as of a haly man and of godly lyf. Sa that grete maruail had thai ilkane of othir, ffor sen the knycht hed left the warld, to duell thare in that

desert, he had nocht sene na man in all that tyme. And the zong Squyere had mare grete maruajll, how he was hapnyt thare, and of the grete maruailous maner of the worthy man ; quhilk be his feris and port semyt till have bene a man of grete valoure ; And with that he lichtit down of his pallefray, and salust the noble knycht, quhilk zeldit him agayne his reverence and ressautit him graciously, and gert him sytt down in the herbere, and reyne his horse, and rest him ; and lang tyme beheld him in the visage, to se gif he wold aucht say. Bot the Squyere, quhylk maruailit mekle of the efferis of the knycht, for the grete worthynes that him thoct apperit in his visage, and maneris, he deferrit till him to move first speche, as to do him reverence for honour and age. And thus the worthy Knycht spak first, sayand, Faire frende, quhat is the cause of zoure cummyng here in this wilderness ? And fra quhyn ar ze cummyng, and quhare wald ze be ? And than ansuerd the zong Bachelere, sayand, Certes Sir, thar is a grete renoun gangand in ferre contreis of a grete assemblée, and rycht honourable, that suld be maid in this land be ane of the maist worthy kingis that is in the warld ; quhare grete multitude of honourable and worthy men suld assemble, for honourable actis to be done, and thare suld the said king mak mony new knychtis, because that he him self has entencioun to be maid knycht thare, in the samyn tyme ; and thus for honour of the worthy Prince and of his new Knychthede, I and otheris drawis togedir to se thai honourable actis, and, God willand, to be maid knycht of his hand thare. And be caus that I tuke grete journeis be the way cummand, my pallefray, throu his soft passing, gave me curage to slepe, as man fordouerit, and sa bade behynd my company, and wanderit sa in this wilderness, vnwittand quhare, quhill my hors, in this hauleh, heldit to drynk. Than ar ze, said the worthy Knycht rycht welcum here.

Bot quhen the noble worthy man herd him speke of the hye and noble Ordere of Knychthede, and of the propereteis that till it appertenis he gave a sare sob, and with a grete sicke that vnness mycht he speke lang tyme eftir ; rememberand of the grete honoure that he had bene in, manetenand the saide Ordre of sa lang tyme. And quhen the Squyere saw him fall in syk a thoct, be manere of ane extasy, he sperit at him, Quhat movit him to muse sa mekle on his wordis ? And than the worthy anciene Knycht ansuerd

him, sayand, That his thocht was on the hye and worthy Ordre of Knychthede that he had spoken of, and on the grete charge that a knycht vndergais quhen he vndertakis that noble and worschipfull Ordre of Knychthede. And than said the said Squiere, that gif he coud oucht teche him of the poyntis that mycht pertene to the said Ordere, for the honour and reverence of God, that he wald teche him. And with that the said Knycht blenkit vp; sayand, O faire sone, how art thou sa bald to sett thee to tak that forenamyt Ordere bot first thou knew the poyntis belangand the governaunce and manetenaunce of it, and the maner how it suld be kept, governyt, and manetenit in honoure and worschip, as efferis, eftir the ordinaunce of God; ffor thare suld nane be sa hardy to tak that hye honourable Ordre bot he war first worthy to the sight of a prince thare till. And syne that coud the poyntis and the articlis that to the said Ordre appertenis, and to know bath the meritis and the prowess of the Ordre; and rycht sa the defaultis that a knycht may mak till his Ordre; nathare suld na knycht mak ane othir bot first he himself coud thai poyntis, techingis, and documentis, to teche thame to the vossall or bachelere, that he thocht to mak a knycht of; ffor he is misordanyt and vnworthy knycht that makis knychtis nocht knawand the propereteis of the said Ordre, to teche to thame that he gevis the Ordre till the custumys and documentis that till it appertenis. And than said the Squiare, Faire Fader, sen it is sa that as I traist ge know the propereteis and custumes of the said Ordre, that ge wald, of your gudelynes, teche me and informe of the documentis and propereteis belangand to the said Ordre of Knychthede; ffor I have gude hope in God, that for the traist that I have thairto, I sulde lere besily and wele all the perfectioun of the said Ordre.

And than ansuerd the Knycht, sayand, faire sone, sen it is sa that thou has sa gude will to lere the reuglis and the documentis belangand the said Ordre, I sall len thé a lytill Buke quharein all the reuglis and the Ordynaunce of all the poyntis and documentis that pertenis to the said Ordre ar writin; in the quhilk Buke, I rede wele oft, and takis consolatioun, of the mekle honoure, worschippis, and worthynes, that to the said Ordre appertenis, and of the grete grace that God hes gevin me in this erde to be sa happy till haue governyt sa, but lak, the said Ordre, that all my grace

and gude aventure throw it I hadand rycht sa I honourit it, and did all my powere to mantene it and kepe it in worschip, but repruf; for rycht as knycht, be his Ordre, takis bath of God and man honoure, worschip, and worldly prouffit, rycht sa he is behaldyn till gouerne, kepe, and manetene his Ordre in all honoure, worschip, and reverence, vndefoulit. And than delyuerit the Knycht the Buke to the Bachelere, in the quhilk quhen he had red a lytill space, he hevit up his handis to the hevyn, and lovit Almichti God that had gevin him the grace to cum that way in the tyme that he was sa wele fortunyt to have knowlage of the poyntis techingis and propereteis of the said Ordre and reuglis that till it appertenit, the quhilk I have lang tyme mekle desyrit to know. And than said the Knycht, Faire sone, thou sall tak this Buke with thé to the Court, for sen I am bath alde and wayke and may nocht travaill to schow the reuglis and documentis and propereteis of the said Ordre to thame that desyris thame, that ar with the king thou sall geve the copy of this Buke till all men that desyris it; and thou sall hecht me, quhen thou art doubbit Knycht, thou sall cum this waye agayne this, and tell me quhat knychtis salbe maid thare, and all the manere of thair making, and how the king and the nêw knychtis takis in thank this Buke of the reuglis and documentis of the said Ordre; and quha askis the copy of it.

And thus tuke the Bachelere his leve at the Knycht, and the Knycht his benedictioun, and sa lap on his horse, and passit on, quhill he met with his mengé; and sa to the kingis palace; and did his devoyr in gouvernement of his persone rycht worthily, and gave the copy till all maner of noble men that wald desyre till haue it; the quhilk Buke the king lovit mekle, and prisit and all the lordis, and held it rycht dere (Abbots. Club, vol., pp. 3-8).

Quotation from Part III of 'AH,' *The Buke of the Gouvernance of Princes* would show little more of the language than has been evident from the two preceding extracts. The Phonology of 'AH' represents an old stage of the language and according to Dr. Murray's vowel-division, it would fall within the limits of the Early Scottish Period. That is to say, the older and simpler vowels prevail: a = Mid. Scot. ai, au; e = Mid. Sc. ei; u = Mid.

Sc. ui ; ex. 'sare' = M. S. sair ; 'ald' = M. S. auld ; 'kepe' = M. S. keip ; 'buke' = M. S. buik.

Throughout the MS. there is greater regularity in the representation of sounds, both vowel and consonant, than one meets with elsewhere in the early period of Scottish prose.

The French element does not seem to have been consciously used, and the relative use of Saxon and Romance words is about the same as in English prose of the same date.

### III.

#### THE BUKE OF LUF.

The next prose work of literary importance is the *Buke of Luf*, which was published in Vol. I of the Bannatyne Miscellany, 1827. It is No. XIX in Asloanes MS., written about the year 1515, or No. IX in the description of the MS. given by Dr. Schipper which was made from the imperfect transcript in the University Library, Edinburgh.<sup>1</sup>

The original MS. is now in the possession of Lord Talbot of Malahide Castle, Dublin. It is much to be regretted that this MS. has never been printed in full. Lord Talbot de Malahide allowed it to be copied in part at the British Museum for the Scottish Text Society, but it was returned to the owner before a complete transcription was made. At present the MS. is not accessible "even for scientific purposes."

The *Buke of Luv*, or *The Spectakle of luf or dilectatioun of wemen*, is a disputation between Youth and Age, similar to many of the time, in which Age, as an old Knight, counsels and advises a young Squire in the affairs of the heart : very much as the old Knight gives lessons in knightly valor in Hay's book. The original has not been definitely ascertained ; many books similar to the *Specktake of Luf* existed at the time both in Latin and French, and, as the author says in the Prologue that the original was Latin, a closer study may discover it. This may have been, however, a trick of the author to shift the responsibility for whatever might offend the taste of his readers.

<sup>1</sup> Poems of William Dunbar, ed. Dr. Schipper, part first, pp. 5-9.

The 'Buke' is divided into eight parts, each chapter describing a class of women to whom the youth should not give his affection, ending with a praise of virtue and matrimony. It was written by G. Myll, at St. Andrews, in July, 1492, who left a short account of himself in the brief note at the end of the 'Buke.'

"The *Spectacle of Luf*, &c., translatit out of Latin into our vulgar and maternall tounge, at the Cyté of Sandandrois, the x day of Julij the 3er of God Ane thowsand, four hundreth, nynty and twa 3eiris, be ane clerk, quhilk had bene in to Venus Court mair than the space of xx 3eiris, quhill I mycht nocht mak the service that I was put out of hir byll of houshald; howbeit to gif example till otheris to perseveir in the service of luf, at my deperting scho gaif me thré gyftis, lyk as scho dois to all thaim that contynewis into her cowrt; that is, an ald, hair, and dotand heid; ane emptyff and twme purss; and ane pair of beidis of Sabill; to causs me for to haif remembrans that I had bene sa lang in to hyr service."

The following extracts have been selected.

### *The Prologue.*

As I was musing apone the restles besynes of this translatory warld, quhilkis thochtis and fantessys trublit my spreit, and for to devoyd me of sic imagynatiounis, I tuk a lytill buk in Latyn to pas myne tyme; the quhilk as I had red and considerit, me thocht the mater gud and proffitable to be had into our vulgar and matarnall tounge, for to causs folkis to mair eschew the dilectatioun of the flesche, quhilk is the modir of all viciis: Tharfor, be sufferans of God, I purpois to endur me bothe translatioun of the samyn, becaus of the gud and proffitable mater it treitis of, that was, How a gud anceant Knycht, that in his youthheid had frequentit his body in the deidis of chevalrye to the encreasing of his name to honour, nochtwithstanding his gret besynes in the factis merciall, inlyk wyss he had occupiit him self in the study of naturale philosophy, to the end that he suld eschew vice; the quhilk gud ald Knycht opnyt and declarit vnto a young Squyar, his sone, that was to gretly amoruss, the evillis and myshappis that men cummys to throw the gret plesans thai haif in wemen, be the delectatioun of the flesche, except the luf quhilk is detfully vsit



in the haly band of matirmony ; tuiching the quhilk I will nocht speik in my sempill translatioun : Beseking all ladyes and gentill wemen quhar it is said in ony poynt to thar displesour thai put nocht the blaim thereof to me, bot to myn auctour that was the fyrst compylar of this buk, the quhilk is intillit *and* callit *The Spectakle of Luf*: for in it apperis *and* schawis sum evillis *and* myshappis that cummys to men therethrow, as the filth or spottis of the face schawis in the myrour of glas.

Cap. VI (part).—Sum tyme thar dvelt a knycht in the cité that had a fair wyf, quhilk he luffit sa mekle, that the causs in paryng hir naill hir fyngar bled a lytill, for verray sorow he deit. Incontynent his frendis, as than was the custome, beryet him in the kyrk gard. Alsone as this knycht was gravit, this fair zong wedow, his wyf, gart byg hir a luge abone his tombe, awowand, that thar scho wald remane duryng hyr lyf in contemplatioun *and* praying for his soull. In this tyme the law was in Rome, that quhen ony man war justifyet, the Seref behuffit allan to walk in the fyrst nycht that he war nocht stollyn of the gallowss. That nycht it hapnyt that thar was a man justijft, that the Seref, quhilk was a lusty zong man, a noble knycht, he walkit at the gallouss. The nycht was cald *and* myrk, how beit he saw towart the toune a fyr in the kyrk gard, quhar this knycht was berijt, to the quhilk he raid and renzeit his harss, *and* come to the luge, quhar he fond this fair zung Lady allane. To quhome he said, my faire Ladye, quhat do ge heir in this plyte? This Lady schew vnto him how hyr lord deit for hyr luf, and that scho wald remane thar in deuotioun far his saull ; *and* than the Seref said to hyr, My fair Lady, ge sall nocht do sa, ge knaw I am a gretar lord than he was, and als noble a man as he was ; ge sall cum to the warld agane, and cheiss me to zour lord and luf. Schortlie he inducit hyr swa, that scho agreit to him. Quhill thai war thus at thar perliament, the Seref remembrhit him of his office, and speid him thair, quhair he fand the theif stollyn of the gallowis ; howbeit he come agane to hir, and said, Ladye, full deir I haif bocht zour luf ; *and* schew hyr the caiss, and how that he behuffit outhir to be put in his place, or leif the cuntré and his herytage for euermair, effermand, that he was mair hevy to depart with hyr na for all the laif. Scho said, That sall ge nocht, for heir is my husband new deid ; we sall

put him wpe on the gallowis in the place of the theif. He said, I thank zow; bot, be my honour, I my twiche na deid men. Scho said, Than sall I. Scho tuk hir husband and hangit him vpe vpone the gallowis. The Seref said, Yit thair is a defalt. This theif, in the taking, had his teith strikin out befor; and als he was bollit, *and* wantit baith his eris; and be nocht zour husband swa, it wil be persauit that it is nocht the theif. To quhom scho said, I sall do all that ze haif devysit; and tuk the Sereffis sword, quhar with scho strak out his for teith, and cuttit of baith his eris, and with hir handis pullit the hair of his heid, and he semyt all beld, *and* than said to the Seref, now I haif done all that ze wald, tak me to zour wyf. To quhom he answerit and said, A! God defend me tharfra! for quhen I think on my eris, *and* on my for teith, and felis the hair on my for heid, I dar neuer ventur to tak zow to my wyf. Be this, my Sone, it may be persauit the gudnes of wedowis *and* agit wemen.

The tales are told in a simple style, and not without a facetiousness which might readily be expected from the subjects treated. Until the Asloane MS. has been edited, it will be difficult to assign it a date with any degree of certainty. The editor of the *Buk of Luf* for the Bannatyne Miscellany gave the date as 'about the year 1515.' Laing and Dr. Mackay gave the same, and as Dr. Schipper does not accept Chalmers's reasons for assigning it to the year 1508 (Dunbar poems, 1, p. 9), the year 1515 may still be considered as the probable date.<sup>1</sup>

The language of the *Buk of Luf* is a good sample of what might be called 'transitional; many forms, such as 'ald,' 'gud,' 'luv,' 'kepe,' 'tuk,' &c., show the older vowels (rather than results of

<sup>1</sup>Those portions of the Asloane MS. which are in prose are the following: "Part III: 'The divisioun of all the warld callit the cart schortly drawyn in Ingliss,' fols. 77-88 a; Part IV: 'The wertiues of nobilness,' . . . the same as 'The Porteus of Nobilnes,' printed in 1508 by Chepman and Myllar, fols. 86 a-92 b; Part V: 'The Scottis Originale,' the origin of the Scottish nation . . . written in the early part of James V reign, fols. 93-98; Part VI: 'Ane tractat of a part of the Ynglish chronikle,' imperfect at the end, fols. 99-107; Part VII: 'Ane schort memoriale of the Scottis corniklis for addicioun,' a chronicle of events during the reign of James II, 1437-1460; probably in prose, not expressly stated by Chalmers, fols. 109-123; Part VIII: 'Ane tractat drawin out of the Scottis cornikle, begynnand in the thrid age of the warld,' . . . continued till the 29th August, 1513; should stand before the preceding piece in the MS., fols. 124-136;

English influence), while 16th Century forms are also found : 'maist,' 'leit,' 'breist,' 'dreidfall,' 'reid,' &c. As is not unusual after this time, there is a liberal dash of anglicisms, participles in *-ing* being most prominent.

#### IV.

##### EARLIEST PRINTED PROSE.<sup>1</sup>

The first Scottish printers, beginning with Andro Myllar, whose earliest dated Scotch book was published in 1508 at Edinburgh, left few works in the vernacular prose. The Patent issued by James IV in 1507 to Walter Chepman and Myllar hastened the introduction of printing into Scotland by royal sanction; and in this Patent one may see the stimulus given to the Art which a few years later made permanent the names of Bellenden and Lyndesay. One naturally looks to France for the men and the materials with which they began to print the 'bukis of . . . Lawis, actis of parliament, croniclis, mess bukis, and portuns,' which were specified in the Patent; and we find that Andro Myllar had practised his art in Rouen, there being books of French origin bearing his device and the dates 1505 and 1506.

The first and indeed the only Scottish prose tract extant from his press is the fragment of the *Porteus of Nobilnes* preserved in the unique volume containing other pieces in verse printed by Chepman and Myllar, now in the Advocates' Library, H. 30, A. I. The original leaves were much worn and have been inlaid in stout paper. The *Porteus* and the rest were printed by Laing in a volume entitled 'The Knightly Tale of Golagras and Gawayne, and other ancient Poems,' where the *Porteus*, which is a fragment, comes last. "Dr. Laing in his reprint supplies the missing leaves [of the

Part IX: 'The Spectakle of luf,' &c., fols. 137-150; Part X: 'The bibill of the sex werk days according to the sex agis,' . . . fols. 151-166." v. Dr. Schipper's account in his edition of Dunbar's poems, part first, p. 5. It will be seen that next to the Hay MS. this is the most important collection of old Scottish prose; and, when its treasures in verse are considered, it rivals in value the famous Bannatyne MS., which has been so worthily edited. When one considers that the printing of a manuscript adds to its importance and value, one is at a loss to understand why the Asloane MS. was not edited in full long ago.

<sup>1</sup> v. note, end of vol.

*Porteus*] from a copy in the Asloan manuscript, and from which it appears that the original must have had seven leaves of text, besides, in all probability, a preliminary leaf, which may have contained on the recto the title over Chepman's device, the reverse being blank."<sup>1</sup>

The fragment of five leaves was printed by Dr. Leyden in his Dissertation to the 'Complaynt of Scotland,' pp. 203-208. The scarcity of these two reprints may warrant the insertion of the fragment, transcribed from the original leaves.

*Porteus of Nobilnes.*

. . . nor compt of is lif that servis noght diligence quhill . . .  
awaykynis all othir vertues Quhat avalis or quhat is ane man  
worth that mulijs and lyis in slogardy that will have ane soft bed  
Ane full wame remanyng at eas and pas the tyme day be day | and  
wolk be wolk and rekis not nor takis na compt how all thing  
pas | Quhat be wonnyn or quhat be tynt And will have men  
befor hym bair heid kneland and saynge that he is ane nobill  
quhill is gret merual quhair his awne dedis schewis þ<sup>e</sup> contrair |  
bot quha that is a nobill he leris quhair of seruis diligence that  
awaiknis all othir vertuis O nobill man the Wyne graip rottis  
and deis gif it ly at the erd undir the leif the mischeif and fall a  
wise and consulis a man | and diligence that a waiknis all vertues  
in travail makis of ane rud and unnurist man Ane man cunning  
and pert and The IX vertu in nobill man | is clenelynes The hert  
set in nobilnes and desirand hie honour suld dispise all filth and  
vnhonesti for he despisis his nobilnes that takis keip and tent to  
othir mennis guyding | and kepis noght hym selue clene | he than  
suld nothir say nor do thing that war to discomende nor that myght  
empair or skaith ane othir man nor þ<sup>t</sup> my<sup>t</sup> mysuse hi[s] awne lose  
and honour gif he awisit thoght and lukit weill to hym selve þ<sup>t</sup>  
takis tent *and* keip to all othir men | foul speking and mekill  
myssaing or flityng or ane unhonest devise to the man that is sene  
and behaldyn be mo[p. 2]-ny men | for honeste is requirit to keip  
in saif gard tham that takis compt and keip of othir mennis guyd-  
ing. O nobill man be clenelines of person plesand *and* fair hauyng  
thay keip tham fra filth þ<sup>t</sup> takis keip to all othir men.

<sup>1</sup>Annals of Scottish Printing, p. 52.

The tent vertu in ane nobill man is larges. Larges in all caice is sa curtase and avenand that it is the reut of honour quhair of the ane Wynniss profit the othir mereite It proffitis þ<sup>e</sup> takar and delittis the giffer and amendis and settis thame baith in right thair Is na thing tynt þ<sup>t</sup> larges dispendis for he dispendis all his gudis be wisdom And to larges all Way gudis cumis and aboundis bot þe prodigal man spendand without mesure *and* prouision Waistis and destroyis larges than þ<sup>t</sup> profitis and ekis hym self and plesis *and* contentis all otheris as þ<sup>e</sup> techer of all vertuis in this warelde The reward takin oblis the taker and acquitis þ<sup>e</sup> giffer of his gret bounte Thing thairfor giffin is bettir than all the laif for gudis hid reportis bot litill thanke ioy or plesir and auarice is waryit *and* haldyn abhominable be sa mekill þ<sup>t</sup> scho closis hir hand and giffis to na man And it cumis of tymes to þ<sup>e</sup> auaricius that ane othir spendis and puttis to the wynd þ<sup>e</sup> gudis he gaderit With gret trouble and pane And gif thair cumis to hym wexation werre or trouble thar is na man þ<sup>t</sup> comptis or settis therby suppois it confund hym bot larges gettis all tyme frendis and help þ<sup>t</sup> is the techar of all vertu in this warlde Heirfor ane fre liberal hert quhairin nobilnes inhabitis sulde noght be scars *and* haldand bot blithar and mair iocund to gif than to tak | for larges releuis and succuris a man [p. 3] and scarsness interditis nobilitie | gud deid is sic that g[. . .] will þ<sup>t</sup> it be reuardit Heirfor be larges the gud departis cumis again Gud deid tinis neuer it self in na tyme bot sa mekill as it dois redoundis agan to his maistir for larges beris þ<sup>e</sup> standard vpon all reutis that is the techar of all vertues in this world O nobill man þ<sup>e</sup> riche man þ<sup>t</sup> lattis honour for expensis | gudis faillis him *and* all schift in hym confoundis Be larges the hertis of men ar sene and vndirstande þ<sup>t</sup> is þ<sup>e</sup> techer of all vertuis in this warld.

The levynt vertu in nobill man is sobirnes Quhen gud desire that intendis to ascend and cum to hyght puttis the thought to cum to honour than sulde ane man haulde and reul hym sobirly and escheu distemperance of wyne *and* heit that turnys gud avise in foly greuis strenth | dois wrang and hurtis þ<sup>e</sup> natur troublis the peace movis discord | and levis all thing vnperfite Bot quhay þ<sup>t</sup> will draw sobirnes to hym scho is helplice of litill applesit help of the wittis wache to hele keper of þ<sup>e</sup> body and contynewal lynthare

of the lif|for to excesse thair may neur cum gud nor profit nor body nor lif is neur the bettir And sa it tynis all maner continence|voce| Aynd|lynthenes and coloure a glutoun all way has sum seiknes or sorow he is heuy fat and foule his lif schortis *and* his ded approchis. Thair is na man þ<sup>t</sup> beualis or menys a man gif he dravis him nocht to sobirnes as scho þ<sup>t</sup> all men plesis|help of the wittis wache of þ<sup>e</sup> hele keper of the body and lynthar of the lif And he that can reull his mouth that is vschare to þ<sup>e</sup> hert|now sulde he cum to knowlege to haue guying of gret thingis|glutony all way leuys hie honour *and* graith is allanerly dede to [p. 4] hym self|ane ful wame is neuer at eas bot slepand|for othir thingis he neuer thinkis|dois nor dremis|bot sobirnes gyffis all thingis in suffiience. And to al thinge that vertu is for scho is help of þ<sup>e</sup> wittis wach to þ<sup>e</sup> hele kepar of þ<sup>e</sup> body *and* lynther of the life.

The XII vertu in ane nobill man is perseverance.

O Excellent hie *and* godly vertu my<sup>ty</sup> quene|*and*|lady perseverance þ<sup>t</sup> makis perfit fulfillis *and* endis all thingis for quhay þ<sup>t</sup> kepis thy faith full *and* trew techinge|fyndis without stop þ<sup>e</sup> way of louyng|peas *and* sufficienz|thow ourecumis all thing be thy secure constance that tiris never to suffre. Thou ourecumis Wanhap þ<sup>t</sup> passis fortune *and* in all placis scho gyffis to þ<sup>e</sup> victory. Thou be resone thou gettis the crowne quhen all vertuis gyffis to þ<sup>e</sup> our-hand *and* be thy gidyng cumis to hie louing. Thay sulde weil adoure þ<sup>e</sup> as lady maistres *and* patrone sen þ<sup>e</sup> end makis al thinge to be louit. Thou art scho þ<sup>e</sup> examinis al vertus as þ<sup>e</sup> goulde chesis out þ<sup>e</sup> fynit hertis in treuth *and* leaute be thy humyl sufferance And quhay þ<sup>t</sup> to þ<sup>e</sup> assuris *and* deliveris him selfe. Thou rasis him quhen he is to fall And giffis him sustenance *and* comfort bot þe febil hert castyn in variance spillis *and* tynis in schort space all þ<sup>t</sup> it dois inuy brekis sik folkis that want vertu in defalt of fathe tyris thame, and honour habandonis thame thay ar punist Lady god þ<sup>e</sup> for gude men has gude þ<sup>t</sup> to gude attendis. And al noblys þ<sup>t</sup> seikis to hie worschip gife thay be wise *and* will awowe to serve þ<sup>e</sup>|sen þ<sup>e</sup> ende makis al warkis to be louit he dois nathing þ<sup>t</sup> begynnys and endis noght And þ<sup>t</sup> in his warkis inclynis him to variance. Quhen þ<sup>e</sup> wark is hie worithy *and* louable gif þ<sup>e</sup> vndir taking turn [p. 5] not to perfait end his labour passis as at noght

at . . . manys out of remembrance *and* þ<sup>t</sup> is atour mesure reпреif  
*and* schame | for thair a man tynis his name *and* his science, *and*  
his endis incontinent ar tynt *and* gais to noght. Bot quhar that  
with right ordanys *and* auisis his doingis *and* to a perffit end in  
treuth *and* laute perfurnysis than his gudis than makis tham to be  
amendid *and* ekit And thay þ<sup>t</sup> incontinent *and* haisty yieldis  
tham to fortune þ<sup>t</sup> is to aduersite may fur with dasauow nobilnes  
sen þ<sup>o</sup> ende in all thingis makis the warkis to be louit. O nobil  
man thay ar noblis that dispendis thair body *and* gudis in treuth  
*and* laute | *and* defendis thair lorde noght lousande þ<sup>o</sup> right knot  
of thair faith een the ende makis all warkis to be louit.

Nobles report your matynis in this buke  
And wysely luk ye be not contrefeit  
Nor to retrete sen leaute seikis na nuke  
And God forsuke breuily for to treit  
Al that fals ar *and* noblis contrefeit.

Heir endis the porteus of noblenes translatit out of (Fr)anche in  
Scottis be maistir Andrew Ladioun

Impren(t)it at þ<sup>o</sup> South gait of Edinburgh be Walter Chepman  
Andrew Millor the xx dai of aperile the yhere of God (m)cccc  
*and* viii yheris.

The principal prose works which were written after 1508 have  
been edited and published so that they are now comparatively easy  
of access. The first and most considerable was the translation of  
the first five books of Livy, made for James V by John Bellenden,  
Archdeacon of Moray and Ross. It is probable that this was never  
printed by any early Scottish press, and the MS. in which the work  
has been preserved is thought to be a transcript of the original : it  
is marked Adv. Libr. 18-3-12 (a-7-8). This was edited and pub-  
lished in Edinburgh in 1822, the only edition which has been  
printed. From the Introduction to this edition it is learned that  
the translation was made in 1533.

Bellenden's other work, the *Cronielis*, was a translation into  
Scottish of Boece's *Scotorum Historiae a prima gentis origine, &c.*,  
and like the Livy, was made for James V. The latest authority  
says that this was printed in 1542, although the copies extant  
printed by Davidson are not dated.<sup>1</sup> The three volume edition,

<sup>1</sup> Ann. Scot. Print., pp. 123-133, with facsimiles.



edited by Thomas Maitland in 1821, is the only one now easily accessible.

The language of Bellenden's prose differs in the *Livy* from that of the *Cronicles*; while both translations are free, the *Cronicles* seem to have been more influenced by latin constructions, and the *Livy* is a much better sample of the vernacular. It is possible that English printers may have changed the forms of many words in the *Cronicles* as was the case with the first printed tracts,<sup>1</sup> and that the *Livy*, remaining in manuscript, gives a truer idea of Bellenden's style.

The next literary prose work was the *Complaynt of Scotland*. Dr. Murray's treatment of the language, authorship and printing of this rare book, in his introduction to the edition for the Early English Text Society, 1872, left little or nothing to be added by the authors of the *Annals of Scottish Printing*, who regard the authorship as an open question and repeat Dr. Murray's theory that the book was printed in France. When one considers carefully the arguments made by Dr. Leyden, the first editor of the *Complaynt* for the authorship of Sir David Lyndesay, one rather wonders why no critic since his time has thought those arguments worthy of further comment in detail. Dr. Leyden indeed disarmed much later criticism in his frank avowal of purpose in the *Scot's Magazine* for July, 1802, where he endeavors to answer certain criticisms of his Dissertation to the 'Complaynt,' which were made in the same journal for January of that year. His object in writing the 'Dissertation' or Introduction was rather to stimulate enquiry than to hold obstinately to any one theory, such as that of Lyndesay's authorship. Dr. Leyden's early collation of parallel passages from Lyndesay and the 'Complaynt' has not received the consideration it deserves, and without committing oneself to an opinion regarding the authorship, one must admit a degree of analogy between passages in the 'Complaynt' and in Lyndesay that could hardly have been fortuitous. Until other sources for the 'Monarché' for example have been adduced, it is not improbable to regard the 'Complaynt' as the inspiring motive, if not the original source, of the related passages and paraphrases in Lyndesay's work.

<sup>1</sup> v. Introduction to *Livy* and Dr. Schipper, Dunbar, I, 19.



In its language the Complaynt of Scotland has been regarded as an 'extreme specimen of the Frenchified style' (Murray, *Dial. South. Countries*, p. 64). There are some words in the book which correspond to the sixteenth century French forms that have not been discovered in any other Middle Scottish writer; they form, however, a small proportion of those Romance words which have been selected as ultra-gallicisms in the Introduction to the Complaynt (E. E. T.S., 1872, p. civ). The rest of these are not peculiar to the 'Complaynt,' but from their common use and the differences in their spelling may be regarded as naturalized words, whose first appearance it would be hazardous to date, even approximately. Thus we find in Hay's MS. and the *Buke of the Ordre of Knychthede* such words as the following: with cautelis and subtiliteis, p. 47 (B. of O. K.), glore celestiall 54, contrair 10, convenable 32, esperaunce 19, exercisioun 3, ordanyt fynable 3, to quhat fyne 15, hautane, haultane 52, joly polist corps 48, he is nouthir lache na ȝit cowart 50, lachesse 49, leautee 9, lawtee 55, vnlautee 9, maleesy persones 46, menze 8, menze 46, moble gudes 26, moyen 41, misfaris *misdoers* 46, mysterfull, myster, mister 43, noblese 3, orquillouse 27, orqueill 52, preaux *meadows* 4, remede 24, semblaunce 4, supple *assistance* 21.

It is true that the exact extent of Hay's borrowing will not be apparent until his most considerable work, the *Buke of Bataillis*, and the French original have been carefully compared. From the few extracts at present available (see above, p. 71), his vocabulary does not seem to have introduced many new words.

In comparing the French element in the 'Acts' with that in the 'Complaynt,' the novelty of many words in the latter wears off. In linguistic study of the 'Acts,' however, the age and exact content of the several manuscripts must be more clearly at hand before results can be much more than approximate. Thus there are two MSS. of late fourteenth century, one early fifteenth, four late fifteenth, two early sixteenth, and so on.<sup>1</sup> In the face of this apparent lack of evidence contemporary with the date of a statute, there occur many French words in the 'Acts' preserving the Old French form and at once suggesting the Middle English equivalent. In the following examples, when not otherwise referred, the first figure

<sup>1</sup> The New English Dictionary dates a Scottish word from the statute in which it occurs.

notes the page, the second the column and the third the date of statute. The references are to the first edition of the 'Acts' by Robertson (Records of the Scot. Parliament).

assouurance 38, 1, 1456; censment (of parliament) 496, 1, 1503; chalance (claim and —) 233, 1, 1478; 'gif þe trespas be done of sudane chautmellay 14, 1, 1425; chevisance (agreement) 10, 2, 1424; costage, coistage 9, 1, 1424; consuetude 55, 1, 1474; emplesance (pleasure) 49, 2, 1469; escusateoun (excuse) 11, 1, 1423; exercitioun 625, 1, 1540; expreyme 36, 1, 1454; forfantouris (forfeitters) 11, 1, 1423; friuole, Acts, Jac. IV, 1503, cap. 35, 499, 1, 1503; galais (common word for ships) 70, 1, 1429; gener (vb. 'to cause,' 'effect') 13, 1, 1424; gratiose (gracious) 62, 1, 1425; 'priuilege and ane indult perpetuale' 235, 1, 1469; ische (sb. issue) 204, 1, 1476; joiss (enjoy) 13, 2, 1425; lawte, lawty 491, 2, 1503; 'schawingis and moustouris' 625, 1, 1540; myster 4, 2 (= 'need,' undated, preceding an Act of King William), nevoy (nephew) 697, 2, 1546; nevo, 160, 2, 1471; notour (notorious) 11, 1, 1423; parochine (parish) 600, 2, 1535; peax (peace) 200, 2, 1475; 'under a certane payne peccuniar' 14, 2, 1425; peremptour ('summondis —') 40, 2, 1457; plane (open) court 23, 1, 1429; plesance (pleasure) 52, 2, 1471; punysion (common word for punishment) 64, 2, 1426; 'courtis of purprusioun' 268, 1, 1481; querallis 63, 1, 1425; querchy (oak), 'a white wand of —' 66, 2, 1426; seige (see); soy-tour (suitor) 200, 2, 1476; taxatouris, tax men 10, 1, 1424; travell, labour 18, 1, 1426; 'walour,' value of the mone 9, 2, 1474 (cf. 'strenth, valew or effec,' 158, 2, 1471).

Without multiplying examples it is quite evident from the use and form of these words that they were part of the usual legal language, which was common to the people in their gatherings around the 'Mercat Croce,' where the new laws were made known and discussed. The influences exerted by continental law upon the Scottish codes, if one may so call them, were active before the fifteenth century, and at a time when Scotch law differentiated from the English Common law. One is thus brought to a period when any French forms incorporated into the language would differ very little from those in more southern English, and these words, continuing in Scottish long after they had ceased to be used farther south, would thus appear at first to be importations from later contemporary

French. Such words are found in the *Complaynt of Scotland* to a considerable degree, and, while by no means making up the whole number of French forms, they go far to detract from the author of the 'Complaynt' the suspicion of conscious borrowing.

The following words are of this nature, and they may be compared in form and use, with their Middle English cognates. The references are to the edition for the E. E. T. S. by page.

agrest 16, arrage 125, alman 66, antecessores 108, auanse 1, barbir 4, bayrdit 69, brodrut 69, beaulté 70, bestiall adj. 64, boreaus, borreaus 27, 86, borage 67, borrel, brangland 68, bruit 116, butin 146, caduc 170, cakil, carions 119, cauteil, adj. and sb. celeste 64, chengeis 114, chestee 19, citinaris 11, clair 70, cleir 73, clips 56, conquaise 80, corbie 181, consuetude 87, compeir 114, conjuris 133, conspiracy 113, contrair prep. and adj. 77, convoyit 4, cordinar 10, cronic 3, coulpe, *fault* 155, curtician 133, dantit 21, devoir, devour (distroy, overcome) 2, domage 5, devot 4, difeicil 130, discrive 32, disiune, *breakfast* 43, dechayis 9, discumfeist 77, drog *drug* 81, pulce 64, efferand 56, empeschis 99, ensenge 149, eschet 133, eschaip 37, esperance 70, estime 165, evertion 1, euoir 20, facil 15, fardit 16 (? while this word is not uncommon in Scotch in the sense of 'painted' the meaning here 'to embellish' is suspiciously like that in Amyot, Dion. 27, quoted by Littre, s. v. 'eloquent a inventer des raisons *fardees* des paroles honeste'), falset 181, fasson 69, felloun 39, feltrit *tangled*, *dishevelled* 68, fenzeit 35, ferme 59, fleuris 171, fleurise 38, forrai 114, fosses 113, freuole 183, fumeterre 67, fyne, *end* 2, galmound 66, galzard 66, garnison 5, genner 153, gentrice 128, glar 68, gloire 170, glore 143, gre 134, habitis, *clothes* 163, heritour, *heir* 3, ingyne 4, importabil; langage 16, lasche 146, maculat 150, manneis vb. 102, mel vb. 15, merle 39, misericorde 72, mistir 36, moyens 41, muis 113, neureis 123, nevo 76, novvellis 119, oultraige 186, pailgeons 60 (< gael. pailliu?), pape, *pope* 165, pastance 64, paveis, shields 41, pissance, *puissance* 7, popil, *poplar tree* 57, plat, *flat* 70, port, *gate* 131, potent, *staff*, *gibbet* 182, prettik 14, propir, *personal* adj. 163, punition 27, puldir 21, rammel 37, rasche vb., *tear up* 125, remeid 34, reprocha sb. 127, reu, street 182, reuis 76, roy 63, rotche, *rock* 38, roche 99, scarmouche 114 (but not escarmuschis 6, escarmouchis 79), scisma 160, seige 5, sege 77, *see*, *seat*; solist

adj. 9, sollempne 121, sopit 37, spulze 89, stablit 19, suceur, *sugar* 145, tassiss, cups 76, turkes sing, (*not* turques), *pinchers* 10, vaig vb., *wander* 111, vilite 170, volye, oil 161, vollage, *fickle* 22.

These words should be distinguished from those which seem to be peculiar to the sixteenth century Scottish, and which are only found in the *Complaynt* and in some cases in Sir David Lyndesay. It is misleading to include them in a category with the latter class, and tends to magnify the influences of the "French of the day."<sup>1</sup>

The following words seem indeed to have been adapted by the author of the *Complaynt* from contemporary French. Where a word has been found elsewhere only in Lyndesay it is followed by L.

austral 49, bersis, *cannon* 41, bestialite, *cattle* 43, charpentier 10, coagulis, contempil 34, contenu 23, contigue 4 (Jamieson gives another example for 1532), conferris, compares 28, curtician, *courtier* 133 L., deesse, *goddess* 11, dediet, *dedicated* 7, dispensatour 158, dominatour 79, dotit, *endowed* 10, empire, *empyrean* 48, escarmouschis 6, fardit 16, in sense of 'embellish' or 'disguised,' v. Littré; flume, *phlegm* 67, gazophile, *treasury*, maltalent, *ill will* 22, miarbyr, *marble* 129, marynel, *sailor* 10, matutine 38 L., misprisis, *disposes* 28, obfusquis, *darkens* 56, olymp 3, perdurable 20, plasmatour, *creator* 27 L., prochane 4 L., pulce, *push* 139, rammache, *collected, flocked together* 38, regement 2 L., repreme, *repress* 154, rencontrit, rondellis, *shields* 42, salut, *welfare* 72, sapiens 43 L., seremons 7, seicle, *century* 4, supreme, *suppress* 158, suspires, *sighs* vb. 70, traduction 10, vermeil 37, zelatur 76.

The occurrence of French words which are common to the *Complaynt* and to Lyndesay may be considered in connection with those resemblances in matter which have been noticed before (p. 117). If we are to assume that either author introduced these words into the language, it will be very difficult to determine upon which author their introduction depended, or which influenced the other

<sup>1</sup>"The literary Scotch of the 16th Century teems with French words, not derived through the Norman channel, like the French words in English;—but taken direct from the French of the day. As might be expected from the French sympathies of its author, the *Complaynt* exhibits this French element to an enormous extent, not merely to supply the want of native terms, but in preference to words of native origin, as when *contrar* is preferred to *against*, *esperance* to *hope*, *reus* to *streets*, *bestial* to *cattle*, *verite* to *truth*." Murray, Introduction to *Complaynt*, p. civ.

in the way of borrowing. If passages in the *Complaynt* (1549) be considered the source of similar passages in the *Monarché* (1554), then one is warranted in looking upon the *Complaynt* as having influenced Lyndesay in his choice of words. On the other hand, the *Complaynt* echoes much that was previously written by Lyndesay.

The *Complaynt* shows many homely words of Saxon origin, and the relative use of English and Romance words is not very different from that in more southern English. In elevated and metaphysical themes the proportion of French and Latin words is large; cf. p. 1, total words 169, Romance 63; p. 2, total 307, Rom. 87. Popular subjects require less; cf. p. 59, total 361, Rom. 51; p. 52, total 350, Rom. 50; p. 43, total 330, Rom. 59. The percentage of all French words in the *Complaynt* (counting as French, Latin and Greek words in French form, proper names in French form and all other words of Romance origin) is .193, or about one-fifth.

## V.

### MANUSCRIPTS.

In connection with Lyndesay's name may be considered those prose remains, which have been attributed to him and to others. There can be no doubt about his authorship of the Heraldic MS., preserved in the Advocates' Library, and which has been reproduced in facsimile.<sup>1</sup> Unfortunately the prose text of this MS. is in short and detached quantity, and unsatisfactory for linguistic study. Some idea of the language may be had from the extracts here given.

Fol. 3 (arms of). Þe rycht potent prince Preist Jhone, Empriour of the greit Ynde.

Fol. 4. Þe armys off the thre kyngis of the orient, quhilkis maid the first offerent till our Saluatour Crist iesu, callit the thre kingis off Collene.

Fol. 7. Heir followis the Armys off þe nyne maist nobill off þe quhilkis þair wes thre Jowis, as David, Josue, and Judas Machabeus, thre gentiles, &c.

<sup>1</sup> Sir David Lyndesay: Ancient Heraldic MSS. emblazoned 1542. Edited by David Laing. Published by Wm. Paterson, Edinburgh, 1878.

Fol. 19. þe armis quhilkis Schir Johne Balioll bair or he was crownit king of Scotland ; quha for his homage making to Eduard Longschankis king of Ingland contrair the aviss of þe counsale off Scotland, and resigning of þe croune in his handis, was deprivit of þe croune, and thairefter past in France, quhair he miserabillly decessit blynd.

Fol. 20. Heir followys þe armys of þe noble princes Sanct Margaret qweyn of Scotland, dochter to Edward prince and here-tour to Ingland, and of Agatha dochter to Salomone King of Wngarie and spouss to þe rycht noble prince king malcum Can-mor to quhome scho bair vj soneis, Eduard Edmound Etheldreid Edgar Alex'r, and David Callit Sanctus þ<sup>t</sup> succedit to þe croune, and tua dochteris Mauld, spousit with hery beauclerk king of ing-land and mary spousit w<sup>t</sup> Eustachius erle of bollonye.

Fol. 22. Heir followys þe armys off certaine noble ladys queynes of Scotland sen þe nobyll suirname of þe Stewartis succedit to þe crown of Scotland In þe first Robert þe secound of þat name þe first King of the noble Stewartis, spousit twa ladyis þe first wes Effem dochter to þe Erle of Ross, quhilk bair to him twa soneis, Walter erle off Athole, and Dauid Erle of Stratherne, and ane dochter callit Effem, spousit with James Douglas, sone and air to William Erle of Douglas. Efter þe decess of this foirnamyt lady he spousit Elizabeth dochter to ane noble Knight Schir Adam Mwir, quhilk bair to him or he wes first maryit thre soneis quhilkis he reablit, þe first wes Jhone quhilk succedit to þe croune, quhais name wes changit and callit Robert, þe secound callit Robert dwk of Albany and gouvernour of Scotland, þe thrid Alexander erle of Buquhane and lord off Badzenoch and twa dochteris, ane maryit with Jhone Dunbar quhilk efter wes erle of Murray, ane other maryit with Jhone Lyone, of quhom succedit þe houss of Glamys, etc.

Fol. 66. Gyf ony mane wald demand þe causs quhy þe armis of þame quhilkis bene foirfaltit and banisit for crymes of lesemaieste, and vtheris enormeteis, ar incert and registrat in this present buik, and put in memory, alsweill as þe armis of þam quhilkis hes bene euir haill and trew till þe crowne and commoneweill: It is to be vnderstand that þe samyn is done for thre causis ; The first causs is to þe grit honour and lowing of yhour nobill predecessouris quhilkis

be þair valgeant and honerabill dedis and guide service done to princis wer begynnaris and conqueroris of þaire nobill Houssis The secund causs is to þe gryt scham ande Dishonour of þam quhilkis be þair tresonabill Dedis wer forefaltit and condemnit be þe Law and tynt all þat þair nobill predecessouris hed wyne of befor The thryd causs is þat nobill mene behaldand þe armis of þam quhilkis ar forfaitit may inquire and consider þe caussis and tak exempill to eschew in tyme comyng sic exorbitant transgressionis againis þair princes in auentuir þai incur siclyk punischment to þair perpetuell scham and distruction of þair nobill Houssis.

Of the other MS. on Heraldry, formerly assigned to Sir David Lyndesay, some notice must here be taken. "He left behind him," says Dr. Murray, "some tracts on heraldry."<sup>1</sup> What these were is not specified and one can only conjecture that the reference is to the manuscript in the Advocates' Library, which has the title:

Collectanea: Domini | Davidis Lindssay Mounthe Leonis Armo-  
rum Regis, 31, 3, 20 (W. 4, 13).

This MS., a folio volume of 86 leaves, paper, in Scotch, was described by Dr. Leyden in his Dissertation, pp. 54-71; 106, 107; and copious extracts were given. Otherwise the MS. has never been printed. Dr. Leyden believed the author to be Sir David Lyndesay, the poet, and this theory was repeated in the MS. catalogue in the Advocates' Library. Dr. Laing thought that the MS. was later than the time of Lyndesay, the poet, and ascribed it to Sir David Lyndesay, the third; but as he was inaugurated Lyon King on the 2d of May, 1592, and we find on the first leaf of the MS. the date '11. octr. 1586,' it seems more probable to connect the MS. with Sir David Lyndesay of Rathellet, who succeeded Robert Stewart as Lyon King on Aug. 22, 1568. An autograph of "David Lyndesay" is found on p. 61, near the bottom, written in the same hand and ink as the MS. In a paler yellow than the MS. on verso of fol. 1, we find:

"tak head blind courteours, Nichil rerum mortalium tam instabile ac fluxum est quam fama potentie non sua vi iuxæ."

The following table of contents is taken from the MS. catalogue in the Advocates' Library.

<sup>1</sup> Minor Poems of Lyndesay, E. E. T. S., 1871, no. 47, p. xxxix.

I. An award of the Constable of France regarding the precedence of Heralds and Serjants at arms 1447 (The date of the original).

II. Rules for combats, fol. 1, verso.

III. The Lawe of arms within Lists, fol. 4.

IV. The ordinance and manner howe tournayis wes wont to be maid, and the harnes for knychts *and* squyaris, fol. 9.

V. of Harralds *and* Pursuevants *and* what pertainis them to do quhen princes and lordis are assemblit on the feild, fol. 10.

VI. The manner how harralds should knaw of obsequies, fol. 11.

VII. How a chief shuld govern him in battall, fol. 13.

VIII. The Offices of Constable, marischal and other officers of Arms, fol. 14.

The Duties of Heralds; and a treatise for their instruction, wherein of the colours, ordinaries *and* bearings of coat armour and their signification—*the invention of armes, the blasoning of arms, &c.*, fol. 16.

IX. Liber Armorum. How gentlemen salbe knawin frome churles—of knighthood and gentlemen—of coats of arms and their blasoning, fol. 55.

X. "The buke of the Ordour of Chivalrie" in a dialogue between a wise Knight turned Hermit, and a squire, fol. 61.

XI. An extract of Vegetius' 'de re militari,' translated into Inglis, fol. 82.

XII. of the Coronation of the Emperor, fol. 86.

XIII. at the end is—"The aithe of a Knycht—of ane Erle—of ane Duik—of ane Herauld."

In the plan of this work we are again reminded of the common type of didactic treatises, such as were translated by Hay, Caxton and it may be, by the author of the *Buk of Luf*. That the resemblance may be most marked, No. X, 'The buke of the Ordour of Chivalrie' has been transcribed from the MS. (fol. facing fol. 62), and it may be compared with the versions of Caxton and Hay. Dr. Laing, in editing Hay's 'Buke,' thought that this MS. version was a Scotch adaptation of Caxton's *Book of the Ordre of Chyvalry or Knyghthode* (p. xvi), and the differences are so slight that this view seems correct.



Heir followis þe first chep | tour how þe gude heremite | devysit to þe squyer the rewle and ordo<sup>r</sup> of cheualrie.

Thair wes ane cuntrey in þe qlk It happinit þat ane wyse Knyt qlk hed mentenit þe ordoris of chevalrije and þat wi<sup>t</sup> fors and noblesse of his hie curaige and wisdomē And in auenturing his body had mantenit warris Justis and tournais And becaus he saw and that in his curaige þat he myt not lang leif as he qlk be lang tyme had bene be courss of nato<sup>r</sup> nih unto his end cheisit to him ane heremitage for nato<sup>r</sup> faillit in him be aige and had na power nor vertew to vse armes as he wes wont to do Sua þat þan his riches and all his heritaige he left to his childrene and maid his habitatioun or dwelling place in a gret wood aboundand of watteris and of gret treis and hie bering fruttis of diverss maneris, and fled þe world becaus þat þe febilnes of his body in þe qlk he wes be auld aige fallin and þat he dishonorit not þat qlk in honorable thingis and eventuris had bene lang tyme honorit The same knyht thinkand on þe deth remembring þe depairting frome þis world into þat vpir And also tho<sup>t</sup> of þe ryt redoutable sentence of o<sup>r</sup> lord In þe qlk him behuuit to cum to þe day of Jugement In ane pairt of þe same wod was ane fair medow in þe qlk wes ane trie weill ladin and chairgit of frute in his tyme off þe qlk þe knyht leiffit in þe forest And under þe sam<sup>in</sup> tre wes ane fontaine verry fair and cleir þat arowsit and mowsit all þe medow And in þat sam<sup>in</sup> place wes þe knyht accustomit to cum every day for to pray and adoire god almig<sup>th</sup>y to quhome he randerit thanking of þe hono<sup>r</sup> þat he had done to him in þis world all þe dayis of his Lyfe In þat tyme it happinit at þe entering of ane strang winter þat ane verry noble king wys and full of noble customes send for mony noblis becaus þat he wold hald ane grit court and be þe grit renomý þat wes of þis court It happinit þat ane squyar muffit him to go thidder in Intentioun þat þair he suld be maid ane knyht And as he went all alone ryding vpone his palfray Ischit out of þe ryt way and enterit vnto þe forrest he being sleping vpone his horss throw þe grit travell he sustenit in his Journay In þe (his fol. 62) meintyme þat he raid sua sleping his palfray Uschit out of þe way and endit in þe forrest quhair as wes þe Knyt heremite And so lang he went þat he came vnto þe fontaine at þe sam<sup>in</sup> tyme þat þe knyht qlk dwellit in þe wod, to do his pennaunce wes þair enterin for to

pray unto god and for to dispyss þe vaniteis of þis warld lyk as he wes accustomit every day quhen he saw þe sqyer cum he left his Orisone and sat in þe medow in þe schadow of ane tre and he began to reid vpone ane litill buke þat he had in his lappe And quhen the palfray wes cum to þe fontane he begane to drink And þe squyar þat slepit anone feld þat his horss movit no<sup>t</sup> and lyche awalkit and þan to him came þe knyht þat wes verry aulde and haid ane grit lang berd and ane feble gowne worne and brokin for ower lang wering and be þe penance þat he daylie maid wes grittumlie discolowrit and lene And be þe teiris þat he had wepit hes ene wer verray waistit and had ane regard or countenance of muche holie lyfe Ilkane of þame mervalit of vþir for þe knyht quhilk had bene verry lang in þe hermitage had sene na man sen he had left þe warld And þe squyar mervalit him grytumlie how he wes cumin into þat place Than descendit þe squyer fra his palfray and salust þe Knyht and þe Knyht ressaut him much wysly and eftir set þame vpone þe gerss þe ane besyde þe oþir and or ony of þame spake Ilkane of þame beheld vþeris cheir The Knyht þat knew þat þe squyer wald not speik first becaus þat he wald do to him reverence spak first and said fair frend Quhat is ȝor curaige or intent or quhar go ȝe to quhairfoir be ȝe cumin hidder S<sup>r</sup> said he the renouñ is spred be far cuntreis þat ane King maist wyss and noble hes comandit ane generall court and wilbe maid him self new Knyht and eftir will doub and mak vþir new knyhtis of strange barroneyis and priue and þerfor I go to þis court for to be doubit Knyht bot quhen I wes in sleip for þe travell þat I haue haid of þe grit Jor-nayis þat I haif maid my palfray went out of þe ryt way and hes bro<sup>t</sup> me vnto þis place. Quhen þe Knyht hard spek of þe knythed and chevalrie and remembrit him of þe ordor of þe samin and of þat qlk pertenit to ane knyht he kest out ane grit sych and enterit in ane grit thoctt remembring of þe hono<sup>r</sup> in qlk chevalrie haid bene lang mentenit In þe meinquhyle þat þe knyht þus thoctt the squyer demandit of him quhairof he wes so pansiffe And þe knyht ans[writ] to him fair sone my thoctt is of þe ordo<sup>r</sup> of knytheid or chevalrie of þe gritnes in þe qlk ane knyht is haldin in manteining þe gritness of þe hono<sup>r</sup> of chevalrie. Than þe squyer prayit þe knyht þat he wald schaw to him þe ordo<sup>r</sup> and þe maner quhairfoir he aucht þe bettir hono<sup>r</sup> and kepit in hie worschip as it aucht to be

eftir þe ordinance of God · How (sone) said þe knyht knawis þou not quhat is þe rewle and ordor of knytheid And I mervale how þow durst demand cheualrie or knytheid vnto þe tyme þat þou knaw þe ordo<sup>r</sup> for no knyht may knaw [?Caxton: love] þe ordor bot gif he can knaw þe difficulteis [defaultes: C.] þat he doth aganis þe ordo<sup>r</sup> of cheualrie nor no knyht aucht to mak any knyhtis bot gif he him self knaw þe ordo<sup>r</sup> ffor ane disordanit knyht is He þat mayketh ane knyht and not schaw þe ordo<sup>r</sup> to him nor þe custume of cheualrije In þe meinquhile þat þe knyht said þir wordis to þe squyer þat demandit cheualry w<sup>o</sup>ut þat he knew quhat thing wes chialry þe squyer *answrit* and said to þe knyht schir gif it be zo<sup>r</sup> pleswr I beseik zow þat zo will say and tell to me þe ordo<sup>r</sup> of cheualrie ffor weill me semit and thinkit þat I suld leir it for þe grit deswr þat I haue þerto and eftir my power I sall . . . [?ensiewe C.] it gif it pleis zow to enseigne and teche it to me ffriend said þe knyht þe rewle and ordo<sup>r</sup> of cheualrie is writtin in þis litill buke þat I hald heir in my handis qlk I reid somtyme sa bessie evin to þe end þat it mak me remember and think on þe grace and bounte þat god hes done and geuin to me in þis warld becaus þat I honorit and mentenit w<sup>t</sup> all my pouer þe ordo<sup>r</sup> of cheualry for all in lyk wyss as cheualry gevis to ane knyht all þat to him pertenit In lykwyss ane knyht aucht to gif all his force to honor cheualrie. Thou he deliverit to þe squyar the litill buke. And quhen he had red þerin he understude þat þe knyht only amang ane thowsand personis is worthy chosin to haue mair noble office þan all þe thowsand And he had alsua understandin be þat litill buke þe rewle and ordo<sup>r</sup> of cheualrie And þan he remembrith w<sup>t</sup> in ane litill and eftir said S<sup>r</sup> blyssit be ze that hes bro<sup>t</sup> me in place and tyme þat I haue knowlege of cheualry þe qlk I have lang tyme deswrit w<sup>t</sup> out þat I knaw þe noblesse of þe ordo<sup>r</sup> nor þe hon<sup>or</sup> in qlk our lord god hes set þame all þat (bis fol. 63) bene in þe ordo<sup>r</sup> of cheualry The knyht said fare Sone I am ane auld man and feble and may not leif lang And þerfor þis litill buke þat is maid for þe devotioun loyalte and ordinance þat ane knyht aucht to haue in halding his ordo<sup>r</sup> ze beir w<sup>t</sup> zow to þe court quhair as ze go unto and schaw to all þame þat wilbe maid knyhtis And quhen ze salbe new doubith knyht and ze sall returne in zo<sup>r</sup> awin cuntrey cum agane to þis place and lat me have knowlege how þai be þat hes bene

maid new knytis and sall be obeysand to þe doctriene of chevalrie Than þe knyt gaif to þe squyar his blissing and he tuk leif of him and tuke þe buke verry devotly and eftir montit to his palfray and went fur<sup>t</sup> hestely to þe court and quhen he wes cumin he presentit þe buke wyssely to þe king And forþermair he offered þat euerie noble man þat wald be in þe ordo<sup>r</sup> of chevalry my<sup>t</sup> haue ane copie of þe said buke to þe effect þat he myt se *and* leir þe ordo<sup>r</sup> of knythed and cheualry.

*Off þe begynnyng off chevalry and Knytheid.*

QUHEN cheritee ryaltie throw þe Justice and veritee fallin in þe warld Than begynnit crueltie iniurie disloyaultie and falsnes And þerfor wes error and truble in þe warld in qlk god hes creatit man for intentioun þat of þe man he be knawin and luffit doutit seruit and honorit At þe begynning quhen þe warld wes cum in mesprisone Justice returnit be dreid into honor in qlk scho wes wont to be And heir foir all þe peple wes devoydit be thowsandis And of ilk thowsand wes chosin ane man maist loyall maist strang and maist noble curage and better enseignit and manerit þan all vþeris And eftir wes Inquyrit and serchit quhat best wes maist conveinable maist fair maist curagious and maist straing to sustene to avell and maist able to serve þe man And þan wes fund þat þe horss wes maist noble and þe maist convenient for to serve man And becaus þat amang all þe beistis þe man chesit þe horss and gavis him to þe samin man þat wes so chosin amang ane thousand men for eftir þe horss qlk is callit ane chevall in frenche is þat man namit chevalier qlk is ane knyt in inglis thus to þe maist noble man wes gevin þe maist noble best It behwfit eftir þis þat þair suld be chosin all þe armes sic as bene maist noble and maist convenient to battell and defend þe man fra deth and þan armes wer gevin and appropriat to þe knyt And þan quha þat will entir in þe ordo<sup>r</sup> of chevalry he most think on þe noble begynning of chevalry and him behuffis þat þe nobilness of his curage in gude costumes attour to the begynning of chevalrie for gif it wer not so he suld be contrarie to his ordor And to his begynningis and þerfor it is not convenable þat þe ordo<sup>r</sup> of chevalrie reteyne his enemeyis in hono<sup>r</sup> na tham þat be in contrary to his begynning lowe and dreid begyn-

nand aganis hait and mesprisoun And þerfoir it behuffit þat þe knyht by noblesse of curaige and of noble custome and bountie and be þe hono<sup>r</sup> so grit and so heich þat he is maid be electionn be his horss and be his armes be Dantit and . . . w<sup>t</sup> þe peple and be lowe he recoveris cheritie and enseignement and be foir recovir vertue and Justice of alss mwche as ane man have mair of wit and vnderstanding and is of mair strang nato<sup>r</sup> þan ane woman of so mwche may he bettir þan ane woman for gif he war not moir puissant and different to be better þan ane woman It suld follow þat bountie and strenth of nato<sup>r</sup> war contrarie of bountie of courage and to gude workis þan all þus as ane man be nature is moir apparellit to have noble curage and to be better þan þe woman In lykwyss he is mekill mair inclynit to be vicious þan ane woman for gif it war not þus he suld not be worthy þat he had grittar merite to be gude moir þan þe woman Be war ȝow squyar þat will enter into þe ordo<sup>r</sup> of chevalrie quhat yow sall do ffor gif yow be ane knyht þo<sup>w</sup> ressavit hono<sup>r</sup> and þe servitude þat most be had unto þe freindis of chevalrie for if so moche as yow hes more noble begynning and hes more hono<sup>r</sup> if so moche ar yow mair bundin to be gude and aggreable to god and alsua to þe peple And gif yow be wikkit yow ar ennemes of chevalrie and ar contrarie to his comandmentis and hono<sup>r</sup> ffor sa hie and sa noble is þe ordo<sup>r</sup> of chevalrie þat it sufficiet not þat þair be mair knyhtis of þe maist noble personis nor þat þair suld be gevin to þame þe maist noble beste and þe best þe maist noble armes and þe best onlie Bot him behuffit and it most be þat he be maid lord of mony men so in seingeorie is grit noblesse and in servitude is in mekill subiectionis Than gif yow tak þe ordo<sup>r</sup> of knytheid and ar ane vile man and wikkit þow dois grit Iniurie to all þair subiectis and to þair fallowis þat bene gude ffor be þe vilitie in quhilk yow ar gif yow be wikkit [bis fol. 64] yow aucht to be put under ane serf or bondman And be þe noblesse of knyhtis þat be god it is indigne and not worthy þat thow be callit ane knyht Electioun na horss na armes suffis not þat to þe heich hono<sup>r</sup> qlk langeis to ane knyht bot it be honest þat þair be gevin to him ane squyar and seruand þat may tak hed to his horss And it behovit als þat þe awmony peple and þe bestis haif þair leifing And þat þe knyht rest him and be at . . . eftir his nobilness and desport him upon his horss for to hunt or in vþer maner eftir þat

it sall pleiss him And þat he aiss him and delyte in thingis of þe qlk his men hath pane and travell The clerkis studiand in doctrine and scyence haw þai mai cum to knaw god and lufe him and his werkis to þe ende þat þai may gif doctrine to þe peple lay and bestiall be gude exampillis to knaw luf servie and hono<sup>r</sup> god oure gracious Lord for to þe end þat þai may ordinarlie do þir thingis þai follow and persewis þe scollis Than þus as þe clarkis be honest lyfe be gud example and science have gottin ordo<sup>r</sup> and office to inclyne þe peple to devotioun and gude lyfe In lykwyss þe knytis be noblenes of curage and be force of armes mantene þe ordor of chevalrie and have þe sam<sup>in</sup> ordo<sup>r</sup> to þe end þat þai inclyne þe small peple be þe dreid be þe qlk þai sall dout to do wrang schame to ane vþir The science and þe scole of þe ordo<sup>r</sup> of chevalrie is þat þe knyt mak his sone to leir in his zowth to ryd for gif he leir not in his zowth he sall neuir leir in his auld aige And it behuffis þat þe sone of ane knyt in þe tyme þat he is squyar can tak kepyng of horss and him behuffit þat he serve and þat he be first subiect or he be lord for vþir wiss suld he not knaw þe noblenesse of þe seigneurie quhen he suld be ane knyt And þerfoir every man þat will cum to knytheid him behuffis to leir in his zowth to kerf at þe table to serue to wine and to doube ane knyt ffor In lykwyss as ane man will leir to schaw for to be ane tailgeor or ane carpentar him behuffit þat he have ane maister þan can schaw him to schew or hewe all In lykwyss it behuffis þat ane noble man þat luffis þe ordo<sup>r</sup> of chevalry and wilbe ane knyt ffor þis as ane disconveniabile thing it suld be þat ane man þat wald leir to sew of ane carpentar all Inlykwyss suld it be ane disconveniabile thing þat ane squier suld leir þe ordo<sup>r</sup> and þe noblenes of chevalry of ony opir man þan of ane knyt samekill is heich and honorit þe ordo<sup>r</sup> of chevalrie that to ane squyaris not sufficient not only to keip horss and leir to serve ane knyt and þat he go w<sup>t</sup> him to tournayis and battellis bot it is neidfull þat þair behaldin to him ane scole of þe ordo<sup>r</sup> of knythed and þat þe science war written in þe buik and þat þe art war schawin and red And þat þe sounes of knytis leir first þe science þat appertenis to þe ordo<sup>r</sup> of chevalrie And eftir þat þai war squyaris þai suld ryd throch divers countreyis w<sup>t</sup> þe knytis and gif þair war nane error in þe clerkis þai suld haif deuotioun and lufe to god And be þe knytis þai suld dout to do wrang tresson and bariet

þe ane to ane vþir Than sen þe clarkis haif sic maisteris and doctrine and go to þe scollis For to leir and þair be sa mony sciences þat þai bene writtin and ordanit. In doctrine grit wrang is done to þe order of knytheid of þis þat it is not ane science writtin and red in scollis lyk as þe vþir sciences And þerfoir he þat maid þis buke beseikis þe noble king and all þe noble cumpany of knytis þat bene in þis cuntrey assemblitt in þe hono<sup>r</sup> of chevalrie þat of þe wrang þat is done to it maybe amendit and satisfacioun done.

Two other MS. works should be noted here, not because they possess remarkable linguistic material, but because they show, with Knox's *History of the Reformation* and Bannatyne's *Journal*, the change to English forms and constructions.

The first is the MS. without title, which was afterwards called the "Diurnal of Remarkable Occurrents, that have passed within the country of Scotland since the death of King James IV till the year MDLXXV." This was printed for the Bannatyne Club,<sup>1</sup> and the Introduction by Thomas Thomson gives all the information at present available. "Of the author or compiler of the following 'Diurnal' nothing is known, or seems likely to be discovered. The MS. from which it has been printed came into the possession of the family of its present owner in the reign of Charles II, and appears to be of the latter end of the 16th Century, or beginning of the 17th. It is obviously the work of an ignorant, and often careless transcriber; whose frequent mistakes, in the names of persons and places, are not the most important or perplexing of his apparent deviations from the original. Some errors, however, are of a kind which cannot be fairly ascribed to the mere negligence of transcription and with which the original author may be more justly presumed to have been chargeable." . . . "From the era of the battle of Flodden and the death of King James in the year 1513, at which it commences, down to the termination of the government of the Earl of Arran in 1553, its details, comparatively meagre and occasionally inaccurate, are obviously not recorded by a contemporary chronicler, but must have been derived from tradition and other imperfect sources." . . . "The next and most considerable

<sup>1</sup>From a MS. of the 16th Century, in the possession of Sir John Maxwell of Pollock, Bart. Printed at Edinburgh, MDCCCXXXIII, under the superintendence of Thomas Thomson, Esq.

portion of the work, beginning at the year 1557, and ending in June, 1572, bears evident marks of having been written by a contemporary observer, residing in Edinburgh, and probably enlarged in some subordinate official position, not very remote from the Court, yet not of such a kind as to afford him accurate or confidential intelligence in matters not obvious to all the world. . . .”

The language shows influences of legal vocabulary and constructions, and there are few French words which catch the eye by oddness of form or use.

The other work upon which, with the “Diurnal,” historians have drawn is the History of Lindsay, of Pittscottie, commonly known as ‘Pittscottie.’ Several MSS. of this work exist, the following having been examined. They are numbered for convenience of reference.

No. I. Laing MSS. in the Edinburgh University Library, No. 216, page 17 of the catalogue—small folio with modern title pages and an introduction *in verse* of  $3\frac{1}{2}$  pages, 154 leaves. Title: “The Continuation | of | The Chronicles & | History of Scotland | written by Mr Hector Boes & translated | by Mr. John Ballantyne, beginning where they left | off at the Death of King James the first and | ending anno 1565 | by Robert Lindsay of Pittscottie | continued by another hand to King James the 6th | coronation in England anno 1603.” The MS. itself begins: “Heir begynnes þe table of this buik ordorlie as it was writtin frome þe begynning to þe end and as þe samen may be found as ge may persauē be þe figures.” The mixture of English spelling is evident from the first line of the body of the work. “Heir begyneth the angtient Buik of þe cronicles of Scotland.”

This MS. begins with James II and ends 1606, with the King of Denmark being given the Garter at Elsinore, and a description of the latter place; it has also the introduction, pp. 1–7, with the description and early history of Britain.

No. II. Laing MSS., E. U. L., No. 218, p. 17, catalogue, sm. 4o. This is a much later MS. than I, and is written in a small neat hand, in uncial-like characters, on 384 pages. It also contains the poetical introduction which does not vary from I save in a few spellings. The chronicle ends with Feb. 25, 1598. The MS. begins immediately after the poem, without the historical intro-



duction, with the words: 'Heere beginneth the XVIII booke of the Chro[n]icles of Scotland, where M<sup>r</sup> Hector Boes left and M<sup>r</sup> John Ballantyne translated of the five Kings of the Stuarts beginning at James the second.' The "Addition" (p. 380) brings the narrative account from 1565 to Feb. 25, 1598.

The language of this MS. is quite English, few Scotch forms appearing.

No. III. Advocates' Library, Edinburgh, 35, 4, 10, sm. fol., 152 leaves in good condition, and written in a clear hand; handsomely bound. The introductory poem of I and II is wanting; the first five leaves of the Introduction contain the description of Britain, beginning: "Heare begines ane breife discriptione of Ingland, Scotland, Waillis and Cornewaill."

The MS. has marginal notes and ends with the description of the castle at Elsinore; presents given to the King of Denmark; his Ambassador's return, and a meeting at Hampton Court: finally there follows the Table of Contents. This version is more Scotch than the others.

No. IV. Adv. Library, 35, 4, 11. Bound like No. III.

This MS. does not contain the poem or the description of Britain, and after the short introduction as in I. There are 108 leaves of the history ending with 25 Feb., 1598. There is no table of contents. Unlike the others the MS. is written in two hands; the second begins at fol. (verso) 17, soon after the opening of chap. XIX, this hand resembles that of I, but separate location of the two MSS. made comparison impossible.

No. V. British Museum, Harleian MSS. 4687-62 d.

Fol. of 149 leaves bound up with No's 145 and 148. Time did not permit a careful study of this MS.

These MSS. may be the ones consulted by Dalzell in his edition,<sup>1</sup> but a vague reference to several manuscripts leaves one in doubt as to his sources. In using these manuscripts Dalzell did not aim to preserve consistency in the language; constructions and forms are therefore common which can hardly be said to represent in their

<sup>1</sup> Lindsay of Pittscottie, *Chronicle of Scotland*, 2 vols. in one; Edinb., 1814. Other editions of Pittscottie have been issued: Laing, in his edition of Knox's 'History' (Wordrow Society), note, p. 18, cites that of 1728 and of 1776. Modernized versions have also been printed.

collocation either the Scotch of late 16th Century or of the English of that time. It would seem that late 16th Century Scotch is hardly practicable matter for the grammarian; what appear to be English departures from the Scottish of the early part of the century may have been characteristic of individual writers, such as Knox, or common to the literary language, while not yet assimilated in the vernacular. Until, therefore, one MS. of Pittscottie is edited, No. III for example, with variants and additions from the others, Pittscottie should not be considered as accurately representing the language of late 16th Cen. In spite of the anglicisms, Dalrymple has preserved many Scottish forms: *contrair* to his conscience p. 389, *conjured* enemies 123, *king melled* with her 268, *yeid vagand* 329, *gett his disjone readie the morne* 332, *casting all the moyane he might* 338, *spolzied of thair bestiall* 138, though we have *beine* in use of the same consuetude 354. By the side of past participles in *-ed* we find the verb with Scottish endings: I for my part *appeallis* from your *summond* and judgment, and *takis* me to the mercie of God 267, *i wott* and *knawis treulie* p. 1, *i hear . . . appeallis* and *takis* me . . . and *summond* you 317.

In marked contrast with the anglicised Scotch is the description of a pageant, in manuscript, preserved on fol. 130 of the Abbotsford 'AH.' It is one of the leaves at the back, which, with a short historical treatise in Scotch, was bound up soon after it was written. The 'Pageant' bears the date 1562, and professes to be a description of '*þe processoun and bering of þe Sacrament in Antuarp the first day of Junij þe ȝeir of God \vxlxij.*' It forms a valuable addition to the scant materials for the history of Pageantry in Scotland and the use of common names for some of the characters: 'David Dispit' and 'Willie Wanreft,' with the sentence at the end '*. . . to the takin I wissit (wished) þame cumand in at þe toun end of Dundee*' shows that some features of the Pageant were not unfamiliar to the Scottish scribe. The transcription of the MS. is given in full.

Heir followis þe ordir of þe processoun and bering of þe Sacrament in Antuarp the first day of Junij þe ȝeir of God \vxlxii

Item in þe first proceeding on carttis drawin be hors as followis þe elephantis of þe mesour often faddomis of heicht w<sup>t</sup> ane goddes standand aboue haldand in hir hand ane apill of gold Item ane

dramadare berand ane castell on his bak w<sup>t</sup> certan men and artail-  
zerie in þe samyn ay schutand and castand fyre ballis in þe aire  
Item ane vondrous greit pictoure of ane man callit golyas of þe  
quantite of viij faddoum heicht and v faddoum of thiknes w<sup>t</sup> ane  
beird of tua ellis of lentht and his heid behaldand all þe partis of  
þe toun as he had bene lyfelie and certane of his awin barnis gan-  
gand about him to þe nomer of xxiiij all monstoris to behald *and*  
luke on Item ane schip braulie w<sup>t</sup> saillis and all workmen and  
ane trumpeter w<sup>t</sup> in hir sailland on þe calsay as it had bene in  
walter w<sup>t</sup> out þe persawing of men hawand skipper w<sup>t</sup> marinallis and  
gunaris all reddy at þe sound of his quhissill Item þe vesitacioun  
of o<sup>r</sup> Lady Item þe berth of christ in bathlem w<sup>t</sup> ane greit nomer  
of schippardis ganand about him to þe nomer of xxiiij all cled  
in schippardis array w<sup>t</sup> stalf bage pype all playand Item þe rout  
of Jesse growand as it had bene ane tre w<sup>t</sup> mony branchis and on  
evry branche ane zoung damysell all cled in fyne claithe of silver  
and fowr fair Ladyis on þe heicht of þe tre all cled in fayre cleith  
of gold Item Abrahame w<sup>t</sup> thre parsonis w<sup>t</sup> him cled in caippis of  
gold w<sup>t</sup> schawin swyngeoris about him syngand te deum laudamus  
Item ane greit gloib borne on ane cairt þe men being w<sup>t</sup> in þe samyn  
turnand ay about þe said gloib wout þe perseving of ony boðy w<sup>t</sup>  
iiij trumpettis blawand þe quhilk gloib representit þe vanite of þe  
warld as it had bene þe quhill of fortoun sum tymes up and sum  
tymes doun Item ane braue gentill uoman w<sup>t</sup> hir yplesis all cled  
in claitht of siluer hawand greit cofferis w<sup>t</sup> þame significand þe  
greit riches of þe world Item ane vpir braue gentill voman sitt-  
and on ane trone maid of heicht guantitee to my jugement to þe  
heicht of ane castell representand þe heichtness of þe warld coplesis  
David Dispit and Willie Wanreft Item ane cart w<sup>t</sup> wemen and  
bairnis braulie cled sum dansand sum singand sum drinkand sum  
at harlotre sum at pastyme sum at þair awin plesoure quhilk repre-  
sentit þe wrak of þe warld Item followand hir in ane vpir cairt  
ane braue gentill man weill serwit w<sup>t</sup> his compleciss w<sup>t</sup> ane *tōw*  
full of theingis and cruellie þair executing Justice as it apperit to  
me in deid sum be hangit and sum be hedit vpir sum be pat vpone  
rattis and sum be pat in presone conforme to þair defaltis Item  
followit pallidess mekle cled in blew purpor welwat accompaneit  
w<sup>t</sup> Dame hunger going efter hir w<sup>t</sup> certane pure folkis all nakit

and ane vpair voman callit Dame flattre followand þame Item Sanct Anthone rydand on ane horss ladin w<sup>t</sup> iij dewillis and certaine pardownaris w<sup>t</sup> þame Item þe powertie of þe warld w<sup>t</sup> pitie and laubo<sup>r</sup> all war allane in ane cairt petaienslie to be hald all in ane sekcleitht Item ane brave gentill woman set heicht in ane w<sup>t</sup> hir ladyis to þe nomer of xxiiij representand mansuetude and followand her dreiddo<sup>r</sup> and petie Item an angill on ane cairt w<sup>t</sup> babeis and barnis brawlie cled in fyne sylkkis all in ane hew representand pace rycheis and meiknes to þe nomer of ane  $\wedge^{\circ}$  (500) Item followand þair efter all craiftis men on hors w<sup>t</sup> þair taiknis and syngnis of þair awin craift berand in þair handis to þe nomer of ane thowsand all prenteissis Item betuix eilk ane of þir cairtis and pages forsaidis þair wes ʒoung barnis baitht men and wemen rydand apone horss princie cled Betuix eilk cairt xxiiij representand þe barnis of israel w<sup>t</sup> singnis of auld testamentis in þair handis Item þair wes þe pictor of crist sittand on ane bow w<sup>t</sup> angellis blawand þair trumpatis representand þe day of Juge-ment w<sup>t</sup> þe deid bodyis risand in sundry partis of þe erth as it had bene ane thing By þe capacite of men and þe dewillis on þe said cairt resawand þe condampnit creataris w<sup>t</sup> greit lamentatiounis ʒowling and ʒowting quhilk vas ane intollerable thyng to be hald Item efter followit þe blak freiris berand ane kirk apone þair schulderis couerit with claith of silver þair efter followit þe gray freiris to þe nomer of iiij<sup>o</sup> than followit þe nowassis singand to þe nomer of ij<sup>o</sup> Item efter followit certane preistis to þe nomer of iiij<sup>o</sup> w<sup>t</sup> quhit lawi(n) surplechis vpone þame singand afor þe sacrament Item þair efter followit certan quhat monkis to þe nomer of lxxx berand tua greit siluer croceis to my estimatioun VI Stane vecht syngand awe crux Jesu Item come certane quhait schawillingis cled all in quhait damess to the nomer of ij<sup>o</sup> castand þe mir and sence about þe pepill berand þe fego<sup>r</sup> of christ in gold singand awe rex gloria Item þair eftir followit certane men of weir all cled in grene velvet iij and iij in ordo<sup>r</sup> w<sup>t</sup> þair concubinis berand þair bulgettis at þair bakkis beand all cled with heid pecis morionis o<sup>r</sup> gilt w<sup>t</sup> gold to þe nomer of ane thowsand everilk man w<sup>t</sup> his culueryng on his schoulder schutand throw all þe toun and þair concubinis bringand thame drink on ewery stryt of þe toun Item followit ane certane of tua handit suirdis men to þe nomer of viij<sup>o</sup> cled all in blew purp veluot

w<sup>t</sup> cheingeis of gold about pair nekis and eilk v<sup>o</sup> hawand ane capitane w<sup>t</sup> all his vampheloris and offisaris awaitand his comand Item followit certane pic men and halbartis all cled in þe duche fasone callit sue(i?)scheis in reid weluet all pair hoes drawin furtht w<sup>t</sup> reit sating to þe nomer of xij<sup>o</sup> Item pair efter followit certane zounge men burges mennis sounis to þe nomer of vj<sup>o</sup> all cled in claith of gold and syluer and euerilk ane of pair horss was extemit to iij crounis of þe sone by þe rest of pair clething and be my Jugement I culd not exteme þame bot gif þai had bene princes Item pair followit betuix euerilk ane of þir companyis ane snache ane hand steinge ane trumpet and ane quhissill and ane kyng eftir þame w<sup>t</sup> ane croune of gold on heid and ane schepto<sup>r</sup> In his hand and iiij auld Sege men about hyme quhilk men of weir drew to þe nomer of x<sup>ai</sup> or þerby Item followit all þe honest men of þe toun w<sup>t</sup> þe prowest and bailzeis and consall Ilkane ane small paintit stalf in pair hand of red collar w<sup>t</sup> ane hundretht offisaris uvatand on þame Ilk offisar hawande ane halbart on his schulder all brawlie cled in sating and weluet Item pair efter come certane preistiss to þe nomer of lxxx berande þe sacrament on pair schulderis all cled in fyne caippis of gold to þe takin I wissit þame cumand in at þe toun end of Dundee Item pair mess beand doune all þe artailzorie of þe toun schot greit and small to þe nomer of xx<sup>ai</sup> schote as honest men of þe toun did report and as honest scottis men can verifie þat ves þer present.

## VI.

### PHONOLOGY OF THE VOWELS.

The Phonology of the Scottish prose examined is too irregular to be made a subject of definite classification. In Dr. Murray's division of the language into periods, pp. 142-143, Dial. South. Counties, the vowels in the Early and Middle Periods practically coincide in 45 out of the 57 cases given. In the 12 cases where a marked difference has been made of sound or representation, it will be found that, in the prose, sufficient data for a basis of division in these 12 are not always apparent. We find early vowels in the Middle Scotch, and diphthongs, mixed or broken vowels in the

language of the Early Period. These 12 cases in Dr. Murray's division which theoretically separate the two periods are :

O. E.	EARLY SCOTCH.	NO.	MIDDLE SCOTCH.
a faran	a fare	4	ay fayr
æ ræde	e rede	15	ei reid
e bere	e bere	20	ei beir
é hér	e her	21	ei heir
ea eald	a alde	24	au auld
ea(r) bearn	a barn	25	ay, ai, bairn
eá eác	e eke	26	ei eik
eó deóp	e depe	32	ei deip
ó bóc	u buke	49	ui buik
ú tún	ow town	53	ou toun
ú (final) cú	ow cow	54	ou cou
úh rúh	owch rowch	55	ou rouch

Taking up these sounds as they have been found in the prose they may be collected as follows :

*Early Scottish a (Middle Scot. ay, ai, au, aw. Murray).*

(O. E. a, á, æ, é, éa, &c.)

Register Scotch Parliament.

Before 1424, mak 3, 1; havyne, 'haven' 3, 1; thame 3, 1; stanys, stones 3, 2; zardis, enclosure 4, 1; scathis 4, 1; amangis, bath, schawe, hall 1424; bath 1466; hale, 'whole,' have 1469; faris, 'fairs' 1469; ald 1471; barnis 1540.

Hay, B. of t. O. of K., barnis p. 3, bath 4, hane 4, eak 4, allane 4, evermare 4, tak 4, thare 5, sa hare and alde 5, hare, 'hair' 5, snawe 5, bare 5, haly 5, bade, 'remained' 6, sare 6, wald vb. 6, knawe inf. 8, schaw vb. 8, thame 8, lap, leapt 8, warld 9, amang 9, stark 9, lave, remainder 10, strakis, strokes 10, grathit 13, wate 3, pl. know 14, awin 15, sakis 15, ath 22 (aythis ib.), takenis 30, alde 31, anys 32, calde 33, grathe, girt 42, nede bestad 42, wapinis 56, gate 56, hamely 58.

Buk of Luv, ald Introd., haly ib., agane ib., warld Prol. band ib., hart Ca I, farest, fairest Ca II, stark ib., tak ib., lat Ca III, stall, stole pt. Ca IV, banis, bones Ca VI, cald ib., wame ib.

Porteus of Nobilnes, haue inf. 1, warkis 4.

Bellenden, Livy and Chron., have, thare, behald, pame, gate, &c.

Complaynt of Scotland, al mast 1, ald 1, tha, they 2, baris 3, daly 3, stane 20, bane 20, cart 48, cald 52, hartis gen. 71, slane 79, hang 93, (anglicism? sc. hing) haue 176 (common).

Heraldic Collection MS., spak pret. haly, takin, gane, facht, fought, pret.

Pageant MS., pat, 'put,' barnis.

*Early Scottish e (Middle Scot. ei).*

(*O. E. æ, æ̃, e, ē, eá, eó, eo, i, &c.*)

Reg. Scot. Par.: before 1424, ferding 3, 1; bestis 3, 1; sek, 'sack' 3, 1; hering 3, 1; lede pp. 3, 1; wecht 3, 2; kellis n. pl. 3, 2, derrest 3, 2, zerde (of ship), 4, 1; kepit pp. 4, 1; suer 4, 1; lefull 4, 3; geve 4, 1; nechbowris 4, 1; gef 4, 1; wersyt pp. 4, 1; heddis and nebbys of þe hennys 4, 2; erde 4, 2; herde pret 4, 2; selde inf. 4, 2; wede 5, 1; zeme ib.; stede ib.; delfe ib.; lele 5, 2.—eldast 9, 1, 1424; erde 10, 2; zer ib.; lege 10, 1, 1424; spedfull 1424; greth, wele ib.; spere 1425, mekle 1466; werk 1469; wer vb. 1471; schep 1504.

Hay, B. O. K., grete, 'great' 3, erd 3, chesit 3, eld 4, ȝeldit 4, hert 4, mekle 4, ferre, 'far' 5, rede 5, hede 5, slepe 5, spere vb. 5, berde 5, greting 5, leue 5, feris 5, heldit 6, speke 6, bene 6, leve 7, wele 7, kepe 7, red pp. 8, geve inf. 8, leve 8, dere 8, gere 9, drede 9, chess 9, beste, 'beast' 9, bere 10, kepe 10, hele 10, dede, 'death' 10, kepe sb. 12, dedis 12, nede 12, ferd 14, weris 14, eldar 14, beris 16, schelde gen. 17, lere 22, dee 22, gretis 22, eris 23, lee 24, revare 24, thef 24, stelis 25, were, worse 25, lele 25, brek 26, meke 27, stedefastnes 27, peple 27, rekkis 29, wenis 29, hete 33, mete 33, eke vb. 37, scherand, cutting 38, seker 39, stretis 39, sterap, stirrup 40, werst 48, werrays 49, werk 51, fer 52, kemmand, 'combing' 55, nedefull, spedefull, grettar 55, mekle, dere 60.

Buk of Luf, mekle, Introd., gret ib.; red pp. Prol. erdly Ca I; kepe Ca II, teris ib.; felis ib.; besekis ib.; serk Ca III, ferd ib.; dredand ib.; wepand ib.; ȝeris Ca IV erd ib.; eris Ca VI beld, 'bold' ib.

Porteus of Nobilnes, rekis (3, sing) 1, dedis 1, schewis 1, deis 1, erd 1, kepis 1, ekis 2, gret 2, werre 2, hert 2, levis 3, ded 3, hele 3.

Bellenden, Livy and Chron., mene tyme, bedis, wery, bene, beheld, ene, grete, setis, hedis, fecht, rede, bere.

Complaynt of Scotland, ther, 'their' 1, kepit 3, i hef 16, dede, death 20, gef 21, teche 33, cleene 34, we hef 46, mekil 55, rede 58, depe 60, clethyng 68, grene 69, tethe, 'teeth' 73, trest 79, est, east 79, hed 87, brede 122, frend ib.

Herald. Coll. MS., gret 1, bering 1, gerss 5, sterap 56, swerd ib., fecht 63, mek 64, wersland, wrestling 64, gretand 64.

Pageant MS., bering, mekle.

*Early Scottish u (Middle Scot. ui).*

*O. E. ó, o, ú, u, &c.*

Reg. Scot. Par. before 1424: furthe 3, 1; mute sb. 4, 2; gude 5, 1; gudis n. pl. 5, 2.—muif 9, 1, 1424; tuke 1466, 141, 2; gude 156, 1, 1469; bruke 158, 2, 1471; buk 158, 2, 1471; blude 732, 1, 1558.

Hay, B. O. K., buke 3, gude 3, tuke 6, fut 10, lufe 10, tume 20, rute 27, abufe 34, luft 44.

Buk of Luf, buk 1, luf 1, tuk Prol., cule Ca II, blud Ca IV.

Port. Nobil., gudis 2, gud adj. (cf. reut 2, reul 3, nw 5).

Bellenden, Livy and Chron., gud, guds sb. pl., tuke.

Complaynt of Scotland, dune, 'done' 3, gude 10, fule 14, abufe 20, behufe 29, tuke 37, fut 37, mune 47, clud 58, blud 58, bure pret. 68, sune 78, culd, 'could' 81, brukit 86 (cf. beuk 16, 35, 82, teuk 30, smeuk 42, sleu 76).

Herald. Coll. MS., gude 1, buke 4, 8, 55 bis, tuke 10, luv 11, luk 61 of VI, fute 61.

Pageant, culd.



*Early Scot. -ow; Mid. Scot. ou.*

*O. E. ū, d, &c.*

Reg. Sc. Par. before 1424: kowe 3, 1; wowe, 'woll' 3, 1; sownce 3, 1; towne 3, 1; twne 4, 1; out 4, 2; zowe, 'yew' 1424 (toun 60, 1, 1424; thousande 3, 1; brouke 1424).

Hay, B. O. K., thowsand 9 (thousand 10), mistrowaris, now 46 (doun 5, gown 5, ȝouthede 5).

Buk of Luv, throw Introd., thow Ca II (ȝoung Introd., tounge Prol., doun, toun Ca III).

Port. Nobil., nw 5.

Bellenden, doun.

Complaynt of Scotland (cou 64, foul 178, ȝone, 'yew' 42, oure 1).

Herald. Coll. MS. (doun 56), bowsum 70.

Pageant (toun).

*Early Scottish o (a); Mid. Scottish oi (o).*

Reg. Sc. Par. before 1424: hors 3, 1; ocht 4, 2; mote pp. 4, 2; scho 142, 1, 1466.

Hay, B. O. K., behovit 1, ȝong 5.

Buk of Luf, fore wepand Ca III (roiss Ca II, boith Ca III, loist id., roif pret. IV, boit VI, cloikis VI).

Complaynt of Scotland (holi 3), foir 3, voymbe 33, voyme 60, hoilsum 61, ȝong 67, thole 78, soir 76.

Herald. Coll. MS., worthis 3, s. 'becomes' 62 (moir 13).

*Early and Mid. Scot. ai (a).*

Reg. Sc. Par. before 1424: gait 3, 1; laif 3, 2; haif 4, 2; saip 4, 1; aile 4, 1; hais 32, 4, 1; aithe 4, 1; 'gif ony burgess haif' 4, 1; traist 4, 2; thai, 'those' 4, 2; aieris, heirs 4, 2; maist 5, 1; haill 5, 1; haile 9, 1; baith 1469 (ai common after 1424).

Hay, B. O. K., faire 4, rais vp 5, agayne 5, maist 6, maid 6, vndergais 6, wayk 8, thair 9, mair 11, maidenis 22, gaynstand 22, betraisais 25, aithe 27, gais 37, fais, 'foes' 38, airly 51.

Buk of Luf, mair Prol., thai, haif ib., claithis ib., daill ib., traist ib., glaid ib., baith Ca III, phair, 'fair' ib., wrait pret. Ca IV, bair pret. Ca V, raif pret. ib., laif Ca VI, waik, 'weak' Ca VI, hair, 'hoar' end.

Port. Nobil., bair, 'bare' 1, quhair 1, graip, 'grape' 1, gais 2.

Bellenden, gaif, straik, maist, baith, mair m., aith, paill.

Complaynt of Scot., mair 2, thair 2, skail 27, cheaip 38, hayr, 'hoar' 59, glaid, 'glad' 63, laif ib., sair, hail sb. 72, haif 176.

Herald. Coll. MS., thair 1, haid, 'had' 5, gaif 9, straing 11, fair 63, daile 69.

Pageant, claithe, taiknis, craift, þair.

*Early and Middle Scottish ei (e).*

Reg. Sc. Par. before 1424: scheip 3, 1; threide gen 3, 2; quheit 3, 2; deir 3, 2; geif 4, 1; steill 4, 1; weit 4, 1; geyss 4, 2; eit 4, 2; deill 4, 2; neidfull 5, 1; feild 5, 1; feit pl. 5, 1; weir 9, 1, 1424; keip ib., seyne ib., wild meir, 'mare' ib. 2, cheiss ib., eilde ib., beir 10, 1, 1424; zeilde ib., leide (plumbum) ib., treis ib. 2, speidfull ib., cheik, 'cheek' 11, 1; weill 154, 1, 1469; zeir be zeir ib. 2; meil ib.; seik 156, 1, 1469; cheiss 158, 1, 1471; neid 158, 2; weir, 'wear' 159, 1, 1471; greit 535, 2, 1513; geif 624, 1, 1540; deid, 'death' 625, 1, 1540; keiping 732, 1, 1558.

Hay, B. O. K., eyne 5, feicht 25, cleine 26, greid 30.

Buk Luf, their Introd., forbeir ib., deidis Prol., speik ib., deir Ca I, manheid ib., weill ib., neir ib., leidis 3, sing Ca II, eild sb. ib., deid ib., beistis ib., fleid pret. ib., keipe ȝow imper. ib., leif at eise ib., beir ib., fals heid ib., seik sick ib., heid Ca III, weir war, reid, red, 'read' vb., leit, 'let' breist dreidfull Ca IV, deit pret. feir Ca V, cheiss, feistis Ca VI, greit, speid, teith.

Port. Nob., heid 1, leif 1, keip 1, weill 1, heirfor 2, deid, deed 2, heit 3, seiknes 3, seikes, 'seeks' 4.

Bellenden, speik, weill, sweitnes, deith m., weill sb., feirs m., feild.

Complaynt of Scotland, veil 1, scheip 2, veyr 5, deit 12, heir 13, eild 20, eird 20, deipnes 21, ȝeir 22, seik, 'seek' 23, heyt 24, eyt 24, treis 26, seid, reid 27, neir 31, reik 42, breyd 43, eiris 44, keip 45, speik 60, veird 64, beiris, bears sb. pl. 73, leiful 77, veyre 80,

deir 127, meyd- (mid) vyf 129, lit pret. 156, ȝeid 'went' 159, 'neid forse to cheis' 163, reip 169.

Herald Coll. MS., Heir 1, leif 1, treis 1, weill 2, reid, 'read' inf. 4, teiris 5, speik 5, sleip 5, mein, 'mien' sb. 7, leir, 'teach' 7, beir 9, leif 10, dreid 10, sweir 55, deid adj. 56, feit 57, beist 58, keipis, kepis 59, eird 59, bleid to deid 62, theingis 23 v. deid id., babeis 24, eilk 24, reit, 'red' 25.

## VII.

### REMARKS ON GRAMMAR.

The most characteristic Scotticisms which appear in the prose are in the use of: *a, ane*; *to, til*; the present participle in *-and* and the relatives.

*a, ane.*

In the Early Scottish *a* was used before consonants, *ane* before vowels and initial *h*, as in the more Southern English. As might be expected from the exact language of the Acts the indefinite article is rather infrequently met with. The data furnished by the Acts, while by no means 'complete,'<sup>1</sup> are sufficient to show that the two forms had their respective phonetic usages, until the stronger *ane* crowded the other out towards the end of the 15th Century. Thus it is hardly necessary to look to a French source for an explanation of the wider function of *ane* in Middle Scotch, nor would it be proper to consider *ane* as 'obsolete' for the preceding '300 years.'<sup>2</sup>

Examples: Reg. Scot. Par. before 1424: 'of ane hundrethe wowskynnys 3, 1; of a last 3, 1; of a wawe 3, 2; in ane othir 4, 1; a burgess 4, 2; a man 3, 1; till ane othir 4, 2; a kirkman 1424; half ane ox 1424; be ane inquest 1424; of ane annuel 1466; ane indenture 1488; ane horse 1488; in ane archibischoprik 1488; a mare soume 1488; then—ane reverend fadir 1491; ane decrett 1491; be ane bill 1491; ane testimoniaie 1491; (of a chapellary 1495;) ane breue of pley 1503; ane wane, ane hors, ane pleucht 1503.

<sup>1</sup> Dialect. South. Counties, p. 57.

<sup>2</sup> Ib.

Hay, B. O. K., in ane hermitage, in a contree 3, ane end 3, a worthy knyght 3, sa noble ane office 10, a thik wod 3, a wilder-ness 4, a grete seruitude 11, a lord 11, ane onderlout or a servant 13, till ane othir 16.

Buk of Luv, ane insasiable beist Ca II; ane othir province Ca IV; ane epistle ib.; ane abbey VII; ane anceant ib.; a woman Ca II; a philosophour ib.; a cokkatryss ib.; a stynkand roiss ib.; a box ib.; a lyon ib.; a tiger, a poyet ib.—but ‘ane serpent’ Ca II; ane preist Ca VII; ane bischopp ib.; ane gud toune ib.

Port. Nobil., a man 1, a nobill 1, a glotoun 3, a perfit 5; ane othir 1, 2, ane unhonest 1,—ane rud- man 1, ane nobill man 2, ane fre- 2, ane man 2, ane ful wame 4.

Bellenden: *ane* is the regular article; so in the ‘Complaynt of Scotland,’ the Herald. Coll. MSS. and the ‘Pageant.’

‘to’ and ‘til.’

In the Early Scottish *to* usually came before a consonant, *til* before a vowel or initial *h*. This usage unlike that of *a*, *ane* continued far into the Middle Period when cases of *to* before a vowel, and *til* before a consonant, are also common.

Reg. Scot. Par., till his nechbour 4, 1; till answer 5, 1; till inforss 9, 1 to be 11, 1; till keip thame 9, 2 till cum 11, 1.—Later in the 15th Cen. *til* gives way to *to* before vowels (h): to interrupt 413, 1, 1491; to ansuer 414, 2, 1491; to him 1491, 413, 2; to our 317, 1, 1485; to have id. 287, 2; to ilkane 245, 2, 1478; to his 1479; 184, 1; to acquite 184, 2, 1479;—but, till his instance 165, 2, 1471; till hir 535, 2, 1513.

Hay, B. O. K., to schaw, to gouerne, till a grete semblee 1, till all 3, till his barnis 3 (till watere 4), to mak 4, till him 5, 6, till it 6, till have 7, 8, till hald 12, till elde, till a zong man 13;—but to almychty God 4, til gouerne 7, till to be 19, till derub, till desaue 23, til mekenes 52.

Buk of Luf, till eild Ca II, till vnderstand Ca III, till him Ca IV, till hir ib., till his vncle Ca VII, till all otheris end,—but: to endure me Prol. to haif ib. to hir brother Ca IV.

Port. Nobil., *to* throughout the fragment.

Bellenden: *to* before vowels and consonants.

Complaynt of Scotland: As the use of *to* and *til* has been referred to in connection with the authorship of the Complaynt it has seemed best to tabulate the cases.

	BEFORE CONS.	BEFORE H.	z.	VOWEL.	TOTAL.
'to'	1024	19	14	46	1103
'til'	47	59	1	97	204
					<hr/> 1307

*til* was, therefore, the regular form before a vowel, or *h*, and *to* before a consonant. Where one has encroached upon the function of the other the cases are nearly the same: 47 of *til* + cons. and 46 of *to* + vowel. On comparing this use with that of Sir David Lyndesay, we find that in his works (E. E. T. S.) there are 2,001 cases of *to* + cons. and 502 of *til* + vowel. In other words .2 of all cases in Lyndesay show *til*, while .156 of all cases have *til* in the Complaynt. The use of *til* in Lyndesay<sup>1</sup> is, therefore, rather greater than in the Complaynt.

Herald. Coll. MS., *to* regularly; so in 'Pageant.' Pittscottie (Dalyell) rarely has *til* except in the compound prepositions 'heir intill' p. 383, 'thair intill' 387.

### *Participles.*

The northern form of the present participle in *-and* is common to all Scottish prose of the earlier periods. Examples of the southern form in *-ing* are sufficiently frequent to require notice.

Reg. Scot. Par., as tuiching the electioun 155, 1, 1469; quhilk being 160, 2, 1471; extending 215, 2; charging 166, 2, 1471; frequently met with in the Acts.

Hay, B. O. K., is consistent in the use of *-and*.

Buk of Luf, beseiking Prol. wenyng Ca IV, seing id., being id. Port. Nobil., remanyng 1 (kneland and), saynge 1.

Bellenden, musing, gangand knawing, pertenyng, being, saying; to 59 cases of *-and* (Chronicle, extract) there were 44 in *-ing*.

<sup>1</sup> Cf. Murray, Complaynt, Introd., p. ciii. "The sparing use of *til* for *to*—so common in Fife and Lothian at the present day, and equally so in Lyndesay, &c."

Complaynt of Scotland, forms in *-ing* are not common : cf. considering 90.

Herald. Coll. MS. and Pageant forms in *-and* predominate. The southern form is the most striking anglicism of Knox and Bannatyne.

Gerundives and gerunds in *-ing*, *-in*, *-en* are common ; cf. Hay, B. O. K., 'quhat of thair landis gouernyng, and of thair peple mayntening and of thair peceable persones defending,' p. 44.—Rec. Scot. Par., 'of þe brekin of mennis orchardis,' 12, 1, 1424; 'þe stanchyn of slachtir' 158, 1, 1471; 'to þe enschevyn of maneswer-ing' 159, 1, 1471; and withhaldin of twa acris 161, 1, 1471; anent þe wrangwiss stoppin and impediment makin 213, 1, —; 'þe . . . withhaldin . . . of a kow 215, 2. Present part., in *-in*, *-yn*, are found, 'landis pertenyng to þe said James,' 215, 1.

### *The Relatives.*

In the Early Period *þat*, *at*; *quhilk(-is)* and *quha* are the relative pronouns. The demonstrative *þe quhilk(-is)* also does service, as in Wiclif and the older language.<sup>1</sup>

*at* (= *þat*) often found in the Early Period seems to have been merely a worn form of *þat*. This is indeed proved by the careless use of initial *þ* in the conjunction *þat*, the forms *at* and *þat* appearing nearly side by side. The vulgar '*at*'=*that* in use to-day may be compared, the preceding letters often determining whether the full form shall be clipped or not: a dental stop, for example, may thus absorb the following spirant. Traces of this action may be seen in the Early Scottish. Reg. Scot. Par.: before 1424, *þe byar þat byis thame* 3, 1, '*þat thar be maid a buk . . . and at þir bukis be present* 9, 2, 1424; *al gudis þat ar taxt ib.*, 'and at *þai þat* has crufis to call the sheriffis at tuk 398, 1, without at *þai haf* 398, 2, *that (þat, at)* is the favorite relative in the Acts, *quhilk(-is)* is much less common, and *quha* while rare, is found; 'men and vomen . . . to quhame' 61, 1, 1425; (the phrase 'quhame God assolze' 1488 may be noticed with 'that god assoillie.' Liber de Melros 1389); on quham 6, 1; for quham he will mak redy

<sup>1</sup> Fischer, Die Sprache Wiclif's; Koch, Engl. Gram., II, 287; Morsbach, p. 129.

payment 11, 1; throu þe bischoppis . . . quhame it efferis 11, 2; officiaris . . . to quhome 13, 1; þe Juge before quhame 13, 1; þe partie to quham 155, 1, ministeris to quham 322, 1.

Hay, B. O. K., *that* is the regular relative, *quhilk* is rarer; *quha* occurs: 'of quham,' p. 17.

Buk of Luf, *quha* is common: the spelling *quhom*, *quhois* is clearly southern, *quhois* Ca II to *quhom* Ca III; of *quhais* bewté *ib.*, *quhom* of ȝe haif spokyn *ib.*, *quhom* scho beheld Ca IV, *quhom* scho presentit *ib.*

Bellenden, *that* and *quhilk* are the relatives. In the 14th Buke of the *Chronicle*, for example, there are 25 cases of *that* and 40 of *quhilk*.<sup>1</sup> *Quha* is rare: among *quham* 183 (L), of *quhom* 2, 246, *quhom* i beleve 2, 304.

Complaynt of Scotland, *that* is the favorite relative; there being 308 cases of *that*, and 152 of *quhilk(-is)*, or with the demonstrative form *the quhilk(-is)*, 179. *Quha* is of frequent occurrence.

Bellenden is the only writer examined who prefers *quhilk* to *that*. If, therefore, the old *at* = ('*at*, *that*) be simply the worn form of *that*, and by reason of increased literary culture and analogy with English 'that,' resumed the full form, it may be said that *that* as a relative was dominant in both Periods.

If *quhilk(-is)*, *the quhilk(-is)* was used after a French fashion<sup>1</sup> we should always expect the form in *-is* after a plural subject; but the singular in *-is* is found. "Item anentis þe stanching of slanchtir quhilkis is sa," &c., 52, 2. Rec. Scot. Par., 'for þe quhilkis restorance' 214, 2.—'quhilkis honoure,' Hay, B. O. K., 25.

The 'Complaynt' has 4 cases of *quhilkis* in the singular, without the definite article: *quhilk* without the ending occurs 22 times in the plural.<sup>2</sup> In Pittscottie (Dalyell) *that* occurs 142 times to 99 of *quhilk* and 21 of *who* (sic).

A few other forms may be noticed. When verbs are separated from their personal pronoun, or when they follow a relative, they take the ending *-is*, sing. and plural, in all persons. With this well-known peculiarity of the Scottish is to be ranked the form of the verb 'to have,' 'til haif,' &c., which in the 3 p. pl. most

<sup>1</sup> Dial. South. Count., p. 195.

<sup>2</sup> In Sir D. Lyndesay's '*Satyre*' 'that' as rel. occurs 66 times, 'quhilk' 39 times, 'the quhilk' 5 times.



commonly appears as *hes* (the 3 p. sing.) without the personal pronoun. From these it has been inferred, reasoning also from sporadic cases, that the verb 'to be' when unaccompanied by the personal pronoun, takes the form *is* in the plural in all persons. That this is not the case a single reference to the 'Complaynt' will show.

a, without the relative: 'al thir nyne speris . . . ar enclosit' 48, 7; 'the day and the nycht ar' 49, 32; "tua summers ar" 52, 20; 'man and beast and al vther thing . . . ar subject' 56, 21; "men and wemmen of ane tendir complexione ar" 57, 4; 'dogis ar' 57, 33; 'grace and virtue ar' 77, 34; 'realmis ar nocht' 82, 12; 'branchis of them ar' 160, 20.

b, with the relative: 'the necessair thingis that ar requirit' 131, 29; 've that ar scheiphirdis' 61, 7; 'the tua vinters that thai hef ar' 52, 19; 'evil accidentis that ar' 58, 3; 'sternis quhilk ar callit' 38, 31; 'Cancer and Capricorn, quhilk ar twa solstice singis' 50, 13; 'Englisch men quhilkis ar' 27, 8; 'Aries and Libra quhilkis ar' 50, 11; 'princis and princessis quhilkis ar' 3, 14; 'termis, quhilkis ar' 16, 14; 'the detractione of innyful gramariaris, quhilkis ar' 17, 28.

The introductory 'there is' (*es gibt*) is always singular. Complaynt: 'ther is tua uthir circlis' 50, 9; 'there is diverse vther sternis' 58, 9; 'of the quhilk nummir ther is iiij callit' 61, 8; 'ther is . . . mony rasons' 51, 14; this is the regular use elsewhere.

For Scottish prose of the 14th, 15th and early 16th Centuries, it is hard to find any one characteristic or line of development which may with certainty be assigned to a particular period. The remains are scanty at best, and with the possible exception of Parliamentary Records and Burgh Laws, all that has been preserved may be made to lie under the suspicion of undue influence upon the individual writer of French, English or Latin; this would vitiate a generalization as to the development of the language as a body.

It has been considered impracticable to connect the prose specimens with any particular locality, physical or dialectic, in which



they may have had their origin. This omission would not appear to be productive of much error, when the various Scottish Records of different places have not as yet been shown to present serious dialectical differences.

It may not be improper in closing to emphasize the conviction that the language of the Lowlands in the Early and Middle Periods was much more uniform than has ordinarily been considered. Middle English activity in the North, extending certainly to the 'Scottis See,' developed the language which later, under the name of Scotch, disguised the origin of many old terms and expressions.

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## NOTE.

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I am in receipt of a notice of two papers read before the (British) Bibliographical Society, by E. Gordon Duff, Esq., in which two Scottish books and a fragment are described. The books were "translated from the French into Scotch and printed at Paris in 1503 by Verard." They are the *The Kalendar of Shepherdes* and *The Art of Good Living and Dying*. Mr. Duff refers me to a fac-simile of the first named book, edited by Dr. Sommar, and lately published.

These books antedate by four years Andro Myllar's earliest published work in Scotland, at least such as has been preserved.

The fragment, a leaf of a Scotch Donatus, was found by Mr. Duff some years ago at Aberdeen. It is older by its language alone than any early Scottish print that I have seen. Mr. Duff thinks that the leaf represents one of the very earliest productions of the Edinburgh press, if it was not printed by Myllar, abroad.

The transcription of the leaf which Mr. Duff has kindly sent me, supports this theory in the use, for example of: *a, ane; to, til* before consonants and vowels respectively; *at* for *pat*; presents participles in *-and*, &c. There is a regularity in the use of these forms which may be accounted for by the grammatical character of the book. The value of the fragment will be made known by Mr. Duff's papers, when they appear.





## LIFE.

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I was born at Richmond, Indiana, June 7, 1865. After receiving preparatory instruction at the Richmond schools and at Earlham College, I entered the Johns Hopkins University in 1884 as a special student, but afterwards matriculated, and took the degree of A. B. in 1889. I then attended graduate lectures in the same University, in German under Professor Wood; in Romance Languages under Professor Elliott and Professor Todd; in English under Professor Bright, to whose suggestions and advice I am gratefully indebted.

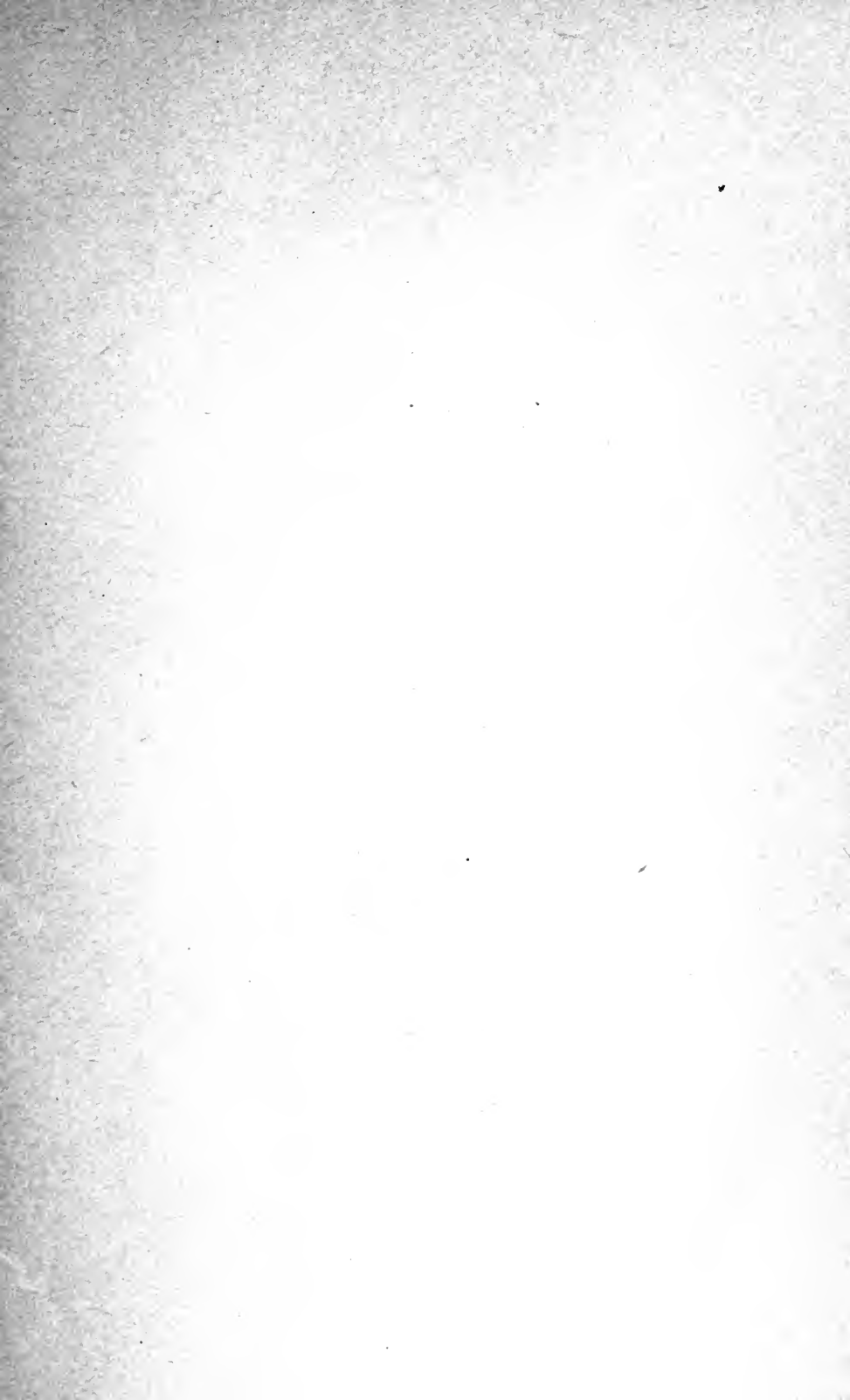
To Dr. Clark, Keeper of the Advocates' Library, Edinburgh; to Dr. Webster, Librarian of Edinburgh University; and to Thomas Dickson, Esq., LL. D., Curator of H. M. General Register House, Edinburgh, I desire to express my appreciation of their ready attention and assistance.

WILLIAM PETERS REEVES.

April 28, 1893.







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